

JUN 10 2013

**MEMORANDUM**

**SUBJECT:** Request for Director's Signature on the Modified HSWA Part II Permit  
MRP Properties Company, LLC, Arkansas City, Kansas  
EPA RCRA ID. No.: KSD087418695

**FROM:** Brad Roberts, Project Manager  
KNRP Section/Waste Remediation and Permitting Branch  
Air and Waste Management Division

**THRU:** Don Lininger, Chief  
Waste Remediation and Permitting Branch  
Air and Waste Management Division

**TO:** Becky Weber, Director  
Air and Waste Management Division

Attached is a modified Hazardous and Solid Waste Amendments (HSWA) Part II Permit for the MRP Properties Company, LLC., 1400 M Street, Arkansas City, Kansas facility (RCRA ID# KSD087418695). The issuance of this Permit was September 28, 2012.

The permit underwent a simple administrative modification to remove the word "Draft" that was inadvertently left in the title block and header at the time of issuance, and to update the U.S. Environmental Protection Agency's mailing address. This does not constitute a reissuance of the permit; the effective date of the permit remains October 31, 2012, and the expiration date is October 31, 2022. By copy of the transmittal letter to the facility, the EPA will send notice of this permit modification to the mailing list for this facility.

This modified HSWA Part II Permit has been reviewed by the Waste Remediation and Permitting Branch and EPA Regional Counsel. I recommend that this modified HSWA Part II Permit be signed. Please indicate your response below and if approved, then sign and date.

If you have any questions pertaining to this final permit, please contact me at ext. 7279.

Approved \_\_\_\_\_ Date \_\_\_\_\_

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

Attachment: Modified Permit Part II

AWMD/WRAP/KNRP/BR:bft:06/05/13:H:AWMD/WRAP/Cores13/BR:MRPmemoDivDirModIPrmt.  
doc

KNRP *BR*  
Roberts  
06/06/13

KNRP *[Signature]*  
Johnson  
06/06/13

CNSL *[Signature]*  
Stevens  
06/06/13

WRAP *[Signature]*  
Lininger  
06/06/13

RCRA



525006



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

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**THRU:** Don Lininger, Chief *DL*  
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Air and Waste Management Division

**TO:** Becky Weber, Director  
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If you have any questions pertaining to this final permit, please contact me at ext. 7279.

Approved *Becky Weber* Date 6/10/13

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

Attachment: Modified Permit Part II



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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT – PART II  
EPA AUTHORIZATION UNDER THE HAZARDOUS AND SOLID WASTE  
AMENDMENTS OF 1984**

**PERMITTEE: MRP Properties Company, LLC  
RCRA IDENTIFICATION NUMBER: KSD087418695**

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as further amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. 6901 et seq. (RCRA), and regulations promulgated thereunder by the United States Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations (CFR)), a Part II Permit is issued to MRP Properties Company, LLC (hereafter called the Permittee), to perform activities required by HSWA at their facility located at 1400 South M Street, Arkansas City, Kansas 67005, 37.041666667 Latitude, - 97.016666667 Longitude.

Section 3004(u) of RCRA, 42 U.S.C. 6924(u), and 40 CFR §264.101, require that all Permits issued after November 8, 1984 address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU), regardless of when waste was placed in the unit or whether the unit is closed. Those sections further require that Permits issued under Section 3005 of RCRA contain a schedule of compliance for corrective action where corrective action cannot be completed prior to Permit issuance. Section 3004(v) authorizes the EPA to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health and the environment, unless the owner or operator demonstrates that permission to undertake such action, despite the owner/operator's best efforts, was denied. Section 3005(c)(3) of RCRA requires that each Permit issued under Section 3005 of RCRA shall contain terms and conditions as the EPA determines necessary to protect human health and the environment.

The following description of regulated activities is based upon the Part B Permit Application:

The facility, formerly known as Total Petroleum Refinery, obtained interim status as a hazardous waste treatment, storage, and disposal facility in November 1980. The waste treatment and disposal units consisted of the Land Treatment Unit (LTU), #1 Surface Impoundment, #2 Surface Impoundment, and #3A Aerated Lagoon. A total of 55 Solid Waste Management Units have been identified at this site. The #1 and #2 Surface Impoundments were closed in July 1988 and the #3A Aerated Lagoon was closed in February 1998. The refinery ceased operations in 1996. The Land Treatment Unit stopped accepting wastes in October 1997 and is currently undergoing closure. The refinery process units and tank farm were demolished and removed between 2002 and 2004. A portion of the facility is currently being used as an asphalt distribution terminal.

The original permit, issued on October 16, 1987, allowed the facility to operate an LTU for the disposal and treatment of hazardous and non-hazardous waste located on the refinery property.

The refining process generated the following wastes: leaded tank bottoms, API separator sludge, heat exchanger bundle cleaning sludge, slop oil emulsion solids, cooling tower sludge, dissolved air flotation sludge, and solid waste that exhibited the characteristics of toxicity, reactivity, corrosivity, and ignitability. That permit required the facility to implement a groundwater monitoring program to detect the release of hazardous constituents from the LTU to groundwater. In addition, the permit implemented the corrective action requirements of the Hazardous and Solid Waste Amendments (HSWA) of 1984 under EPA Authority. KDHE and EPA jointly renewed the permit on October 24, 2001.

This Part II Permit does not authorize any treatment, storage, or disposal of hazardous waste that requires a RCRA permit.

This Part II Permit consists of the provisions (conditions) contained herein (including this Part II Permit's attachments) and the applicable regulations contained in 40 CFR Parts 260 through 266, 268, 270, and 124, which are incorporated by reference. This Part II Permit is based upon the applicable regulations which are in effect on the date of the issuance of the Part II Permit, in accordance with 40 CFR §270.32(c). The Permittee must comply with all terms and conditions of this Part II Permit.


This Part II Permit is based on the assumption that the information submitted in the Permit Application is accurate and that the facility will be operated as specified in the Part II Permit Application. Any inaccuracies found in the submitted information may be grounds for the termination, revocation and reissuance, or modification of this Part II Permit in accordance with 40 CFR §§270.41, 270.42, and 270.43, and for enforcement action. The Permittee must inform EPA of any deviation from or changes in the information in the Permit Application which would affect the Permittee's ability to comply with the applicable regulations or Part II Permit conditions.

The Regional Administrator of EPA, Region 7 has delegated authority to perform all actions necessary to issue, deny, modify, or revoke and reissue Permits for owners and operators of hazardous waste treatment, storage, and disposal facilities pursuant to Section 3005 of RCRA to the Director of Region 7 Air and Waste Management Division (hereafter referred to as Director) or the Director's designated representative, by delegation No. R7-8-6; January 1, 1995 and revised on September 16, 2007.

This Part II Permit is issued as of the date below. Pursuant to 40 CFR §124.15, this Part II Permit shall become effective at 12:01 a.m. on    October 31   , 2012, and shall remain in effect for ten (10) years from the date of its issuance unless revoked and reissued under 40 CFR §270.41, terminated under 40 CFR §270.43, or continued in accordance with 40 CFR §270.51(a) or (d). the Part II Permit shall remain in effect even if the Hazardous Waste Management Permit (Part I) is terminated or expired.

Done at Kansas City, Kansas, this 28th day of September 2012.

The original permit is modified today, June 10, 2013, to remove the word "Draft" that was inadvertently left in the title block and header at the time of issuance, and to update EPA's mailing address.

  
Becky Weber  
Director  
Air and Waste Management Division

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Attachment 1. Site Location Map  
Attachment 2. SWMU Location Map

## I. DEFINITIONS

For purposes of this Part II Permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260, 261, 264, 266, 268, and 270, unless this Part II Permit specifically provides otherwise; where terms are not defined in the regulations or the Part II Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

“Annually” means one time per calendar year such that at least eleven (11) months and no more than thirteen (13) months have elapsed since the last annual event.

“Area of Concern” or “AOC” shall mean any area of the Facility under the control or ownership of the owner or operator where a release to the environment of hazardous waste(s) or hazardous constituents has occurred, is suspected to have occurred, or may occur, regardless of the frequency or duration of the release.

“AWMD” shall mean the Air and Waste Management Division of Region 7 of the EPA, or subsequently renamed division of EPA Region 7 that includes the personnel that conduct oversight of RCRA.

“Daily” means once each calendar day, unless expressly stated to be a working day. “Working day” or “business day” shall mean a day other than a Saturday, Sunday, or a federal holiday. In computing any period of time under this Part II Permit, where the last day would fall on a Saturday, Sunday, or a federal holiday, the period shall run until the close of business of the next working day.

“Data Quality Objectives (DQOs)” shall mean performance and acceptance criteria that clarify study objectives, define the appropriate type of data, and specify tolerable levels of potential decision errors that will be used as the basis for establishing the quality and quantity of data needed to support decisions. The DQOs shall be prepared consistent with EPA Guidance documents; “Guidance on Systematic Planning Using the Data Quality Objectives Process” EPA QA/G-4, EPA/240/B-06/001, February 2006; “Guidance for Developing Quality Systems for



Environmental Programs” EPA QA/G-1, EPA/240/R-008, November 2002; and any subsequent revisions or editions.

“Day” or “Days” means calendar days unless otherwise specified.

“Director” means the Division Director of AWMD, his or her designee, or an authorized representative.

“Engineering Controls” means any mechanism used to contain or stabilize contamination that ensures the effectiveness of a remedial action and acts as a physical barrier between the contamination and contact with humans or the environment.

“EPA” means the United States Environmental Protection Agency.

“Facility” means the MRP Properties Company, LLC facility located at 1400 South M Street, Arkansas City, Kansas 67005 and all contiguous property at this location under the control of the Permittee.

“Hazardous Constituent” means any constituent identified in Appendix VIII of 40 CFR Part 261 or any constituent identified in Appendix IX to 40 CFR Part 264.

“Hazardous Waste” means any solid waste as defined at 42 U.S.C. §6903 (27) and 40 CFR §261.2 which also meets any of the criteria of a hazardous waste as listed in 42 U.S.C. §6903 (5) and 40 CFR §261.3.

“Institutional Controls” means administrative and/or legal mechanisms that help limit exposure to humans from contamination and/or protect the integrity of the remedy.

“Interim Measure” means those actions taken to immediately control or abate threats or potential threats to human health or the environment from releases or potential releases of hazardous waste or hazardous constituents, which can be initiated before implementation of the final corrective measures for a facility.

“Monthly” means twelve (12) times per year (once per calendar month) such that at least fifteen (15) days and no more than forty-five (45) days have elapsed since the last monthly event.

“PDF format” means the Adobe Portable Document Format developed by Adobe Systems Incorporated.

“Part II” means Part II of the RCRA Permit which is issued by EPA.

“Permit Application” means the Permit Application dated June 19, 2011, as modified by subsequent amendments dated August 26, 2011, including the Part A Permit Application dated August 26, 2011, and any subsequent revisions or modifications.

“Quality Assurance Project Plan” means a plan of the same name prepared consistent with the EPA’s document titled “EPA Requirements for Quality Assurance Project Plans (EPA QA/R-5)” and any subsequent revisions or editions.

“Quarterly” means four times per calendar year such that at least two (2) months and no more than four (4) months have elapsed since the last quarterly event.

“RCRA Corrective Action Plan” means the document of the same name dated May 1994 and given the OSWER Directive Number 9902.3-2A and EPA Document Number 520-R-94-004 and any subsequent revisions or editions.

“RCRA Facility Investigation Guidance” means the document of the same name dated May 1989 and given the OSWER Directive Number 9502.00-6D and the EPA Document Number 530/SW-89-031.

“Regional Administrator” means the Regional Administrator of EPA, Region VII, or his or her designee.

“Release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes and/or hazardous constituents.

“Semi-Annually” means two times per calendar year such that at least five (5) months and no more than seven (7) months have elapsed since the last semi-annual event.

“Solid Waste Management Unit” or “SWMU” means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

“Stabilization” means actions to control or abate threats to human health and/or the environment from releases at RCRA facilities, and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued.

“Standard Operating Procedure” or “SOP” means a document that establishes or prescribes methods to be followed in the operation of hazardous waste storage, treatment and disposal activities. All SOPs must be signed by a responsible corporate officer and include the

certification in 40 CFR §270.11(d)(1) . The responsible corporate officer shall be as defined in 40 CFR §270.11(a).

"Weekly" means fifty-two (52) times per calendar year such that no fewer than five (5) days and no more than ten (10) days have elapsed since the last weekly event.

## **II. GENERAL CONDITIONS**

### **II.A. FACILITY INFORMATION**

#### **II.A.1. Owner**

The facility owner is MRP Properties Company, LLC, hereinafter referred to as the Permittee.

#### **II.A.2. Operator**

The facility operator is MRP Properties Company, LLC, hereinafter referred to as the Permittee.

#### **II.A.3. Location**

The MRP Properties Company, LLC facility is located in Cowley County at 1400 South M Street, Arkansas City, Kansas 67005 37.041666667 Latitude, - 97.016666667 Longitude. A facility location map is provided in Attachment 1.

#### **II.A.4. Description**

This facility was a refinery and has had several owners, since constructed in the 1920's. The refinery was purchased by Total Petroleum Inc. (Total) in April, 1978. Total was the last owner to operate the refinery, shutting down the refining operations in 1996. Ultramar Diamond Shamrock Corporation (UDS) acquired Total on September 25, 1997. On April 29, 1998 the company name was changed from Total to TPI Petroleum, Inc. (TPI). In January 2006 TPI a Michigan corporation, merged with and into Michigan Reutilization, LLC (MRLLC) a Michigan limited liability company, with Michigan Reutilization, LLC being the surviving entity. On May 1, 2008, MRLLC sold certain of its assets and liabilities to the current owner, MRP Properties Company, LLC.

The former refinery had a nominal operating capacity of 60,000 barrels per day. Refining operations (alkylation, crude, hydrocracker, reformer etc.) produced unleaded gasoline, liquefied petroleum gas (LPG), propylene, fuel oils, jet fuels, and asphalt. Refining operations were discontinued in August 1996. The process units in the main process area and a majority of the tanks associated the refinery

were demolished by 2003. Current operations consist of a terminal operation where asphalt is transported by truck to the terminal, stored, and then transported by truck to customers.

## **II.B. EFFECT OF PERMIT**

No storage, treatment and/or disposal of hazardous waste are authorized in this Part II Permit. Part II of this Permit consists of the conditions contained herein, including those in any attachments thereto; the Permit Application; and the applicable regulations contained in 40 CFR Parts 124, 260 through 264, 268, and 270. Applicable regulations are those which are in effect on the date of issuance of this Part II Permit and those identified in II.B.1 below. The Permittee remains subject to any regulations governing activities not covered by this Part II Permit, for example, those regulations to which hazardous waste generators are subject.

1. Subject to 40 CFR §270.4, compliance with this Part II Permit during its term constitutes compliance, for purposes of enforcement, with those portions of Subtitle C of RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) included in the Part II Permit, except for those requirements not included which:
  - a. Become effective by statute;
  - b. Are promulgated under 40 CFR Part 268 restricting the placement of hazardous wastes in or on the land;
  - c. Are promulgated under 40 CFR Part 264 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, Construction Quality Assurance programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of 40 CFR §270.42 Class 1 Permit modifications; or
  - d. Are promulgated under 40 CFR Part 265, Subparts AA, BB, or CC limiting air emissions.
2. The issuance of a Part II Permit does not convey any property rights of any sort, or any exclusive privilege.
3. The issuance of a Part II Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

4. Compliance with the terms of the Part II Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA, 42 U.S.C. §§6928(a), 6928(h), 6934, and 6973, Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

## **II.C. PERMIT ACTIONS**

### **II.C.1. Permit Modification, Revocation and Reissuance, and Termination by EPA**

If at any time the EPA determines that modification, revocation and reissuance or termination of the Part II Permit is necessary, the EPA may initiate a modification to the Part II Permit, revocation and reissuance of the Part II Permit or termination of the Part II Permit in accordance with 40 CFR §§270.41 and 270.43. The initiation of a modification to the Part II Permit, revocation or reissuance of the Part II Permit, or termination of the Part II Permit does not stay the applicability or enforceability of any Part II Permit Condition.

### **II.C.2. Modification of the Permit by the Permittee**

As set forth at 40 CFR §270.42, the Permittee may request a modification of the Part II Permit at any time. The filing of a request for a Permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Part II Permit Condition. Modifications to the Part II Permit do not constitute a reissuance of the Part II Permit.

### **II.C.3. Permit Modification Correspondence File**

The Permittee shall maintain a file that contains all correspondence relating to modifications made pursuant to Part II Permit Conditions II.C.1 and II.C.2. This correspondence file shall be available for review by EPA or its designated representative(s) and the public. Note that the file shall be made available during normal business hours.

- a. The Permittee shall reference the availability of this file in all notices made regarding Part II Permit modifications and include a contact person in order to view the file.
- b. The Permittee shall include in the correspondence file all modification requests, copies of all Part II Permit modification notices

sent out, the current Part II Permit modification mailing list, and all correspondence from EPA regarding modification requests.

#### **II.C.4. Permit Expiration**

##### **II.C.4.a. Permit Duration**

As set forth at 40 CFR §270.50, this Part II Permit shall be effective for a fixed term not to exceed ten (10) years. Except as provided in Part II Permit Condition II.C.4.b below, the term of a Part II Permit shall not be extended by modification beyond the maximum term of ten (10) years. The Director may issue a Part II Permit for durations of less than ten (10) years or may grant a Part II Permit modification to allow earlier Part II Permit termination.

##### **II.C.4.b. Continuation of Expiring Permits**

This Part II Permit, and all conditions herein, will remain in effect and continue in force under 5 U.S.C. §558(c) until the effective date of a new Part II Permit (see 40 CFR §124.15) if:

- i. The Permittee has submitted a timely, complete application under 40 CFR §270.14 and the applicable sections in 40 CFR §§270.15 through 270.29 and 40 CFR §270.10(c); and
- ii. The Director through no fault of the Permittee, does not issue a new Part II Permit with an effective date under 40 CFR §124.15 on or before the expiration date of the previous Part II Permit.

Part II Permits continued under this Permit Condition remain fully effective and enforceable.

##### **II.C.4.c. Enforcement**

If the Permittee is not in compliance with the conditions of the expiring or expired Part II Permit, the Director may choose to do any or all of the following:

- i. Initiate enforcement action based upon the Part II Permit which has been continued;
- ii. Issue a notice of intent to deny the new Part II Permit under 40 CFR §124.6. If the new Part II Permit is denied, the Permittee shall cease the activities authorized by the continued Part II Permit or be subject to enforcement action for operating without a Part II Permit;



- iii. Issue a new Part II Permit under 40 CFR Part 124 with appropriate conditions; or
- iv. Take other actions authorized by RCRA.

#### **II.C.4.d. Transfer of Permit upon State Authorization**

In the event that the State of Kansas receives authorization under 40 CFR Part 271 to administer the corrective action program under 40 CFR Part 264.101, and 40 CFR Part 264.100(e) 1 & 2, after the effective date of this Part II Permit and if the Permittee submits a timely and complete application under applicable State law and regulations, the terms and conditions of this Part II Permit shall continue in force during the term of this Part II Permit and beyond the expiration date of this Part II Permit, but only until the effective date of the State's issuance or denial of a State RCRA Permit containing requirements for corrective action.

#### **II.C.5. Permit Renewal**

This Part II Permit may be renewed as specified in 40 CFR §270.30(b) and Part II Permit Condition II.E.2. Review of any application for a Part II Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

#### **II.C.6. Permit Appeal**

Part II may be appealed pursuant to the provisions of 40 CFR §124.19(a), which provides as follows:

- a. Within thirty (30) calendar days after a RCRA final Part II Permit decision has been issued under 40 CFR §124.15, any person who filed comments on that draft Part II Permit or participated in the public hearing may petition the Environmental Appeals Board, in writing, to review any condition of the Part II Permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft Part II Permit may petition for administrative review only to the extent of the changes from the draft to the final Part II Permit decision. The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

- i. A finding of fact or conclusion of law which is clearly erroneous, or
- ii. An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

## **II.D. SEVERABILITY**

The provisions of this Part II Permit are severable, and if any provision of this Part II Permit, or the application of any provision of this Part II Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Part II Permit shall not be affected thereby as set forth at 40 CFR §124.16.

## **II.E. DUTIES AND REQUIREMENTS**

### **II.E.1. Duty to Comply**

As set forth at 40 CFR §270.30(a), the Permittee shall comply with all conditions of this Part II Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Permit. Any Part II Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of RCRA and is grounds for enforcement action; for Part II Permit termination, revocation and reissuance, or modification; and/or for denial of a Permit renewal application.

### **II.E.2. Duty to Reapply**

The Permittee shall submit a complete Permit Application for a new Part II Permit at least 180 days prior to the expiration of this Part II Permit, as specified in 40 CFR § 270.30(b). This Permit Application shall include information required to continue the post-closure care, groundwater monitoring, corrective action, investigation, interim measures, and/or corrective measures specified in this Part II Permit, and as required in 40 CFR §§ 270.13, 270.14, and 270.28. If the Permittee has not completed all required activities under the existing Part II Permit and fails to timely submit a Permit Application pursuant to this Part II Permit Condition, Permittee shall be deemed to be in violation of this Part II Permit. If any activities required by this Part II Permit must be continued by the Permittee after the expiration date of this Part II Permit, such activities must be included in the Permit Application.

### **II.E.3. Permit Expiration**

As set forth in 40 CFR §270.51(a), unless revoked or terminated, this Part II Permit shall be effective for a fixed term not to exceed ten (10) years, except that, as long as EPA is the Part II Permit-issuing authority, this Part II Permit and all conditions

herein will remain in effect beyond the Part II Permit's expiration date and until the effective date of the new Part II Permit, if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the EPA has not issued a new Part II Permit.

#### **II.E.4. Need to Halt or Reduce Activity Not a Defense**

As set forth at 40 CFR §270.30(c), it shall not be a defense for the Permittee, in an enforcement action, that it would have been necessary to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Part II Permit.

#### **II.E.5. Duty to Mitigate**

As set forth at 40 CFR §270.30(d), in the event of noncompliance with this Part II Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

#### **II.E.6. Proper Operation and Maintenance**

As set forth at 40 CFR §270.30(e), the Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the Permittee to achieve compliance with the conditions of this Part II Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Part II Permit.

#### **II.E.7. Duty to Provide Information**

As set forth at 40 CFR §270.30(h), within thirty (30) days of a request for information from the Director, or such other time as approved by the Director, the Permittee shall furnish to the Director any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Part II Permit, or to determine compliance with this Part II Permit. The Permittee shall also furnish to the Director, within thirty (30) days of request, copies of records required to be kept by this Part II Permit.

#### **II.E.8. Inspection and Entry**

- a. As set forth at 40 CFR §270.30(i), the Permittee shall allow the EPA, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:
  - i. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Part II Permit;
  - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Part II Permit;
  - iii. Inspect, photograph, and/or record (audio and/or visual), at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Part II Permit; and
  - iv. Sample or monitor, at reasonable times, for the purposes of assuring Part II Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.
- b. Notwithstanding any provision of this Part II Permit, EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

#### **II.E.9. Monitoring and Records**

- a. As set forth at 40 CFR §270.30(j)(1), samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the EPA. Laboratory methods shall be in accordance with Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB and any subsequent revisions or editions. [70 FR 34538, June 14, 2005].
- b. As set forth at 40 CFR §264.74(b) and 40 CFR §270.(j)(2), the Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Part II Permit, the certification

required by 40 CFR §264.73(b)(9), and records of all data used to complete the application for this Part II Permit through the term of the Part II Permit or for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application; whichever is longer. These periods may be extended by request of the EPA at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. The Permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

c. As set forth at 40 CFR §270.30(j)(2) and (3), records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The individuals who performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

d. The Permittee shall ensure its analytical data meet the Data Quality Objectives (DQOs) in the Quality Assurance Project Plan (QAPP)

#### **II.E.10. Reporting Planned Changes**

As set forth at 40 CFR §270.30(l)(1), the Permittee shall give twenty (20) days advance notice to the EPA of any planned physical alterations or additions which may affect any Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs), Areas of Concern (AOCs), contaminated media or debris, or existing institutional or engineering controls

#### **II.E.11. Reporting Anticipated Noncompliance**

a. As set forth at 40 CFR §270.30(l)(2), the Permittee shall give at least twenty (20) days advance notice to the EPA prior to any planned changes in the Permitted facility or other activity which may result in noncompliance with Part II Permit requirements. Examples of such

changes or activities include, but are not limited to, shutdown, construction or modification of new or existing units for the treatment, storage, or disposal of hazardous waste.

b. For a new unit, the Permittee may not treat, store, or dispose of hazardous waste; and for a unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the unit except as provided in 40 CFR §270.42, until the Permittee has submitted to EPA, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the Part II Permit; and

i. The EPA has inspected the modified or newly constructed unit and finds it is in compliance with the conditions of the Part II Permit; or

ii. The EPA has either waived the inspection or has not notified the Permittee within fifteen (15) days of EPA's intent to inspect.

#### **II.E.12. Monitoring Reports**

As set forth at 40 CFR §270.30(1)(4), if required, monitoring results shall be reported at the intervals specified elsewhere in this Part II Permit.

#### **II.E.13. Reports of Compliance Schedules**

As set forth at 40 CFR §270.30(1)(5), reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Part II Permit shall be submitted no later than fourteen (14) days following each scheduled completion date.

#### **II.E.14. Transfer of Permits**

a. As set forth at 40 CFR §264.12(c), before transferring ownership or operation of the Facility or any part of the Facility, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and this Part II Permit. At least ninety (90) calendar days prior to the anticipated date of transfer, the new owner and/or operator shall submit to the EPA a certification, in accordance with Part II Permit Condition II.F, that the new owner or operator has read this Part II Permit, understands its requirements and will comply with the terms and conditions herein. If the property transfer involves subdividing the property to more than one owner or operator, a map and



legal description shall be provided to the Director that identifies the properties to be occupied by each new owner.

b. As noted in the comment to 40 CFR §264.12, an owner or operator's failure to notify the new owner or operator of the requirements of this Part II Permit in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

c. This Part II Permit is not transferable to any person except after notice to the Director, and the Director modifies or revokes and reissues the Part II Permit in accordance with 40 CFR §270.30(l)(3), 40 CFR §270.40(b) or 40 CFR §270.41(b)(2). The Director may also incorporate such other requirements as may be necessary under RCRA as part of the modification to this Part II Permit.

d. The new Owner and/or Operator shall submit a revised Permit Application no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of Part II Permit responsibility between the Permittee and new Permittee(s) must also be submitted to EPA no later than ninety (90) days prior to the scheduled change in ownership and/or operational control as set forth at 40 CFR §270.40(b).

e. Whenever the Part II Permit is transferred to a new Permittee, the old Permittee shall maintain compliance with the requirements of 40 CFR Part 264, Subpart H, (Financial Requirements) and/or Part II Permit Condition III.P until the new Permittee has demonstrated compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition III.P. The new Permittee shall demonstrate compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition III.P, within six months of the date of the transfer of this Part II Permit. Upon the new Permittee's demonstration of compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition III.P, the Director shall notify the old Permittee that maintaining financial assurances pursuant to that subpart and/or Part II Permit Condition III.P is no longer necessary.

f. In the case of bankruptcy of the Permittee pursuant to Title 11 of the United States Code, the bankruptcy Trustee shall provide the required notices to the Director and shall ensure the new Owner and/or Operator submits a revised Permit Application no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of Part II Permit responsibility between the Court and/or the old Permittee and new Permittee(s) must also be submitted no later than ninety (90) days prior

to the scheduled change in ownership and/or operational control. The new Permittee shall demonstrate compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition III.P, within six (6) months of the date of the transfer of this Part II Permit. Upon the new Permittee's demonstration of compliance with 40 CFR Part 264, Subpart H, and/or Part II Permit Condition III.P the Director shall notify the old Permittee that maintaining financial assurances pursuant to that subpart (40 CFR 270.40(b) ) and/or Part II Permit Condition III.P is no longer necessary.

#### **II.E.15. Twenty-Four Hour Reporting**

a. The Permittee shall report to the EPA any noncompliance which may endanger health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. Examples of such occurrences include, but are not limited to, fires, explosions, natural disasters, accidents, imminent or existing hazard from a release of hazardous waste or hazardous constituents, cracks or other breaches in the structure of any hazardous waste units, solid waste management units, areas of concern, any fire or explosion at or near a Permitted unit or other hazardous waste management area, solid waste management unit, areas of concern, or any other occurrence which may cause the release or threatened release of hazardous waste or hazardous waste constituents from any area within the Permitted facility. The report shall include the following:

- i. Information concerning the release of any hazardous waste or hazardous constituents that may endanger public drinking water supplies; and
  - ii. Information concerning the release or discharge of any hazardous waste, or hazardous constituents, or a fire or explosion at the facility, which could threaten the environment or human health outside the facility.
- b. The description of the occurrence and its cause shall include:
- i. Name, address, and telephone number of the owner or operator;
  - ii. Name, address, and telephone number of the facility;
  - iii. Date, time, and type of incident;
  - iv. Name and quantity of materials involved;

- v. The extent of injuries, if any;
  - vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
  - vii. Estimated quantity and disposition of recovered material that resulted from the incident.
- c. As set forth at 40 CFR §270.30(l)(6)(iii), a written submission shall also be provided to EPA within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The EPA may waive the five-day written notice requirement in favor of receiving a written report within fifteen (15) days.

#### **II.E.16. Other Noncompliance**

- a. As set forth at 40 CFR §270.30(l)(10), the Permittee shall report to EPA in writing all other instances of RCRA noncompliance not otherwise required to be reported in Part II Permit Conditions II.E.10 - II.E.15, within thirty (30) days of occurrence. The reports shall contain the information listed in Part II Permit Condition II.E.15.
- b. Examples of such instances include, but are not limited to, any noncompliance, no matter how minor, with waste handling and disposal requirements or requirements related to facility safety, including noncompliance with contingency plan requirements. Repeated or chronic instances of noncompliance with recordkeeping requirements must also be reported, although isolated or one-time instances of noncompliance with recordkeeping requirements need not be reported.

#### **II.E.17. Information Repository**

As set forth at 40 CFR §270.30(m), the EPA may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in 40 CFR §124.33(b). The information repository will be governed by the provisions in 40 CFR §124.33 (c) through (f).

#### **II.E.18. Other Information**

As set forth at 40 CFR §270.30(l)(11), whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit Application, or submitted incorrect information in the Permit Application or in any report to the EPA, the Permittee shall submit such facts or information to EPA in writing within seven (7) days of discovery.

#### **II.E.19. Incorporations to the Permit**

- a. All plans and schedules required by the conditions of the Part II Permit are, upon approval of the Director, incorporated into and enforceable under the Part II Permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with the Part II Permit.
- b. Any portion of the Permit Application referenced by the Part II Permit is incorporated into and enforceable under the Part II Permit. Any noncompliance with such portions of the Permit Application shall constitute noncompliance with the Part II Permit.
- c. Any changes necessary to items incorporated into the Part II Permit shall be made in accordance with the review and approval procedures in Part II Permit Condition III.S, except that any changes to the Permit Application referenced in Part II Permit Condition I shall be made in accordance with the Permit modification procedures in Part II Permit Condition II.C.

#### **II.E.20. Supplemental Data**

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to the Part II Permit shall be maintained at the Permitted facility or other such location as approved by the Director during the term of the Part II Permit, including the term of any reissued or continued Part II Permits. Such information shall be made available to the Director upon request.

#### **II.F. SIGNATORY REQUIREMENT**

All applications, reports, or information submitted to or requested by the Director shall be signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).

## **II.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE EPA**

1. Failure to submit the information required by the Part II Permit, or falsification of any submitted information, is subject to enforcement and/or termination of the Part II Permit.
2. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required by the Part II Permit to be submitted to the EPA are signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).
3. Extensions of the due dates specified in the Part II Permit may be granted by the Director in accordance with the Permit modification procedures set forth in 40 CFR §270.42.
4. Unless otherwise specified, two (2) copies of these plans, reports, notifications or other submissions required by the Part II Permit to be submitted to the EPA shall be sent by certified mail, delivery service or hand delivered to:

**U.S. Environmental Protection Agency, Region 7  
Air and Waste Management Division  
RCRA Corrective Action & Permits Branch  
ATTN: Brad Roberts  
11201 Renner Blvd  
Lenexa, Kansas 66219**

5. In addition, one (1) copy of these plans, reports, notifications or other submissions shall be submitted to:

**Chief of the Hazardous Waste Permits Section  
Kansas Department of Health and Environment  
Bureau of Waste Management  
1000 SW Jackson, Suite 320  
Topeka, Kansas 66612-1366**

6. The Permittee shall submit one copy of these plans, reports, notifications or other submissions required by the Part II Permit to the EPA and KDHE in Adobe PDF or other electronic format agreed upon between the Permittee and EPA.
7. EPA may designate a new recipient in writing to the Permittee without a Part II Permit modification.

## **II.H. CONFIDENTIAL INFORMATION**

As set forth at 40 CFR §270.12, the Permittee may claim confidential any information required to be submitted by this Part II Permit.

## **II.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

The Permittee shall maintain at the facility, through the term of the Part II Permit or for a minimum of three (3) years, whichever is longer, the following documents and all amendments, revisions and modifications to these documents:

1. Permit Application.
2. Operating record, as required by this Part II Permit.
3. Corrective Action documents, including [RFI, CMS, etc.]
4. Corrective Action Cost Estimate and Financial Assurance documentation, as required by this Part II Permit.
5. Permit modifications file, as required by this Part II Permit

## **III. CORRECTIVE ACTION**

### **III.A. AUTHORITY**

Section 3004(u) of RCRA, 42 U.S.C. §6924, and 40 CFR §264.101, require that all Permits issued after November 8, 1984, address corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility seeking the Permit, regardless of when the waste was placed in the unit or whether the unit is closed. Those sections further require that Permits issued under Section 3005 of RCRA, 42 U.S.C. §6925, contain schedules of compliance for corrective action (where corrective action cannot be completed prior to Permit issuance) and assurances of financial responsibility for completing such corrective action. Section 3004(v) of RCRA, 42 U.S.C. §6924(v), authorizes the Administrator to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health and the environment, unless the owner or operator demonstrates to the Administrator's satisfaction that permission to undertake such action, despite the owner/operator's best efforts, was denied. Section 3005(c)(3) of RCRA, 42 U.S.C. §6925(c)(3), requires that each Permit issued under that section shall contain terms and conditions as the Administrator determines necessary to protect human health and the environment. The Administrator has delegated authority to perform all actions necessary to enforce the Part



II Permit to the Director of EPA Region 7 Air and Waste Management Division, (hereafter referred to as “Director”) or the Director’s designated representative.

Pending approval of KDHE’s Corrective Action Program, EPA has designated the Kansas Department of Health and Environment (KDHE) as its Project Coordinator (technical lead) for the Corrective Action requirements in Part II Permit Condition III, with the exception of the Cost Estimate and Financial Assurance for Corrective Action requirements of Part II Permit Conditions III.O and III.P. EPA will review the progress of the work being performed by the Permittee to insure corrective action is being performed in a timely manner and will confer with KDHE on the protectiveness of the work being carried out. Work Plans and work conducted pursuant to and in compliance with KDHE-approved Work Plans will be considered to be approved by EPA, if EPA does not provide notice that it intends to comment within 45 days of the submittal to EPA. EPA may, at any time and at its discretion, upon 30 days written notice, change its designation of Project Coordinator (technical lead).

#### **Corrective Action Work Required By Parts I and II**

The following is a list of Hazardous Waste Management Units at the Facility which EPA has determined require corrective action for releases to ground water which have migrated beyond the point of compliance defined in Permit Condition IV.B.5. of KDHE’s Part I Permit and as described in the approved Part B Permit Application:

<b>HAZARDOUS WASTE MANAGEMENT UNIT</b>	<b>STATUS</b>
<b>Land Treatment Unit (SWMU 48)</b>	<b>Closing</b>
<b>#1 Surface Impoundment (SWMU 1)</b>	<b>Post-Closure</b>
<b>#2 Surface Impoundment (SWMU 2)</b>	<b>Post-Closure</b>
<b>#3A Aerated Lagoon (portion of SWMU 3)</b>	<b>Post-Closure</b>

The Permittee shall implement and maintain a ground water corrective action program to address all releases to ground water at and beyond the point of compliance. The ground water corrective action program shall meet all applicable requirements of 40 CFR §264.100(e)(1) and (2) and 40 CFR §264.101. The ground water corrective action work required by KDHE’s Part I Permit, Section IV – Ground Water Corrective Action, is hereby incorporated into the Part II Permit by this reference. The ground water corrective action work required by KDHE’s Part I is intended to satisfy the requirements of RCRA Subsections 3004(u) and (v) and 40 CFR §264.100(e)(1) and (2) and 40 CFR §264.101. As such, the work required under KDHE’s Part I must also be developed, proposed and approved to meet all the requirements for corrective action under RCRA for those provisions for which the State of Kansas is authorized to enforce, and also corrective action required by EPA’s authority under RCRA subsections 3004(u) and (v) and the regulations at 40 CFR §264.100(e)(1) and (2) and 40 CFR §264.101.

### **III.B. IDENTIFICATION OF SWMUS, AOCS AND RELEASES**

A RCRA Facility Investigation (RFA) Report dated August 1987 identified 50 solid waste management units (SWMUs). Subsequently five additional solid waste management units were identified through the RCRA Facility Investigation process. The following list includes SWMUs identified at this facility. A facility layout map showing the location of these SWMUs is provided in Attachment 2.

#### **List of Solid Waste Management Units**

SWMU 1 – Settling Pond No. 1  
SWMU 2 – Settling Pond No. 2  
SWMU 3 – Settling Pond No. 3  
SWMU 4 – Oxidation Pond No. 1A  
SWMU 5 – Oxidation Pond No. 1B  
SWMU 6 – Oxidation Pond No. 2  
SWMU 7 – Oxidation Pond No. 3  
SWMU 8 – Oxidation Pond No. 4  
SWMU 9 – Evaporation Pond No. 1  
SWMU 10 – Evaporation Pond No. 2  
SWMU 11 – Evaporation Pond No. 3  
SWMU 12 – Marley Cooling Tower  
SWMU 13 – Oily Lagoon No. 1/Asphalt Pit  
SWMU 14 – Oily Lagoon No. 2  
SWMU 15 – Earthen Ditch  
SWMU 16 – FCC Disposal Area  
SWMU 17 – HEB Slab  
SWMU 18 – New HEB Slab  
SWMU 19 – Trash Unloading Dock  
SWMU 20 – Junk Storage Area  
SWMU 21 – Empty Barrel Storage Area  
SWMU 22 – Neutralization Pit  
SWMU 23 – No. 1 Oil Trap  
SWMU 24 – No. 2 Oil Trap  
SWMU 25 – No. 3 Oil Trap (Shell Trap)  
SWMU 26 – Tank C-37  
SWMU 27 – Tank C-106  
SWMU 28 – API Separator System  
SWMU 29 – Road Oil Blender Area  
SWMU 30 – Septic Tank  
SWMU 31 – Tank C-35  
SWMU 32 – Tank 104-B  
SWMU 33 – Oil Recovery Tank  
SWMU 34 – Old API Separator

SWMU 35 – Below-Grade Tank  
SWMU 36 – Recovered Oil Tanks  
SWMU 37 – Recovered Oil Tanks  
SWMU 38 – Truck Wash Tank  
SWMU 39 – Oily Wastes Sewer Lines  
SWMU 40 – Sumps in North and South Process Areas  
SWMU 41 – Hot Oil Sump  
SWMU 42 – No. 6 Track Asphalt Trench and Drain System  
SWMU 43 – Truck Wash Drain Pad Sump  
SWMU 44 – Sour Water Stripper  
SWMU 45 – No. 2 Crude Desalter Units  
SWMU 46 – No. 1 Crude Desalter Units  
SWMU 47 – Construction Demolition Landfill  
SWMU 48 – Land Treatment Unit  
SWMU 49 – Shallow Waste Pit  
SWMU 50 – Waste Pit and Bermed Area  
SWMU 51 – Catalyst Staging Area  
SWMU 52 – Tank Farm  
SWMU 53 – Two Sumps  
SWMU 54 – Spent Lime Area  
SWMU 55-Asphaltic Material

### **III.C. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUS, AOCs AND RELEASES**

1. The Permittee shall notify the EPA in writing of any newly-identified SWMU(s), AOCs and releases discovered during the course of groundwater monitoring, field investigations, environmental audits, or other activities or by any other means, no later than fifteen (15) calendar days after discovery. As used in this part of the Part II Permit, the terms “discover”, “discovery”, or “discovered” refer to the date on which the Permittee or an EPA representative either, (1) visually observed evidence of a new SWMU, AOC, or release (2) visually observed evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment. The notification shall include, at a minimum, a unique sequential identification number, the location of the SWMU, AOC, or release and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.).
2. After such notification, the Director may request, in writing, that the Permittee prepare a SWMU, AOC or Release Assessment Work Plan, a proposed schedule of implementation and completion of the Work Plan, and a SWMU,

AOC or Release Assessment Report. Additionally, the Director may require a new or supplemental RFI or CMS for the newly-identified SWMU(s), AOC(s) or release(s) in accordance with this Part II Permit.

3. Within sixty (60) calendar days after receipt of notice that the Director requires an Assessment Work Plan, the Permittee shall submit a SWMU, AOC or Release Assessment Work Plan. The Assessment Work Plan shall describe all the activities to be completed in order to characterize the newly-identified SWMUs, AOCs or releases so that the Director can determine if a RCRA Facility Investigation and/or Corrective Measures Study is necessary. The Assessment Work Plan for the investigation shall include any of the following as specified in the Director's notice:

- a. A discussion of past waste management practices at the unit or area;
- b. A sampling and analysis program for groundwater, land surface and subsurface strata, surface water or air, as necessary to determine whether a release of hazardous waste and/or hazardous constituents from the SWMU or AOC or otherwise has occurred, or is occurring and/or to determine whether the release is harmful to human health or the environment;
- c. A discussion of Data Quality Objectives;
- d. A Quality Assurance Project Plan for the collection and analysis of samples that has been reviewed and approved by EPA and EPA's Quality Assurance personnel;
- e. A proposed schedule for implementation and completion of the Assessment Work Plan.
- f. The sampling and analysis program, if required, shall be capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste and/or hazardous constituents from the newly-identified releases to the environment. The Assessment Work Plan shall specify any data to be collected to provide for a complete Assessment Report, as defined below.
- g. The Assessment Work Plan will be reviewed in accordance with the procedures set forth in Part II Permit Condition III.S. Upon EPA's approval of the Assessment Work Plan, the Permittee shall implement said Assessment Work Plan in accordance with the schedules contained therein.

4. The Permittee shall submit an Assessment Report to the EPA according to the schedule specified in the approved Assessment Work Plan. The Assessment Report shall present and discuss the information obtained from implementation of the approved Assessment Work Plan. At a minimum, the Assessment Report shall provide the following information for each SWMU, AOC, and/or newly-identified release:

- a. The location of the newly-identified SWMU, AOC, and/or release, including its location in relation to other SWMUs, AOCs, other areas where a release has occurred, and regulated units;
- b. The type and function of the SWMU, AOC, unit or other release area;
- c. The general dimensions, capacities, and structural description of the SWMU, AOC, unit or other release area;
- d. The period during which the SWMU, AOC, unit or other release area was operated;
- e. The physical and chemical properties of all wastes, and hazardous materials that have been or are being managed at the SWMU, AOC, unit or other release area, to the extent such information is available;
- f. The results of all sampling and analysis conducted;
- g. Past and present operating practices;
- h. Previous uses of the area in which the release occurred;
- i. Amounts of waste and hazardous materials handled; and
- j. Drainage areas and/or drainage patterns near the release.

5. The Assessment Report will be reviewed in accordance with the procedures set forth in Part II Permit Condition III.S. Based on the findings of the Assessment Report, and any other available information, the Director will determine the need for further investigation, interim measures, stabilization, a RCRA Facility Investigation, or a Corrective Measures Study.

#### **III.D. INTERIM MEASURES AND STABILIZATION**

The Permittee has been undertaking efforts to control the migration of free phase hydrocarbons and contaminated groundwater from the property since 1981. Soil vapor extraction and air sparge systems operated at the land treatment unit and the

closed surface impoundments have removed contaminant mass and their operation has been discontinued.

1. Interim measures shall be used whenever necessary to achieve the goal of stabilization, which is to control or abate immediate threats to human health and/or the environment, and to prevent or minimize the spread of contaminants while long-term corrective remedies are being evaluated. Upon receipt of all facility related environmental data the Permittee shall evaluate and assess the need for interim measures in addition to any specifically required by this Part II Permit.
2. The Permittee shall notify the Director within twenty-four (24) hours of becoming aware of a situation that requires interim measures, stabilization, or both.
3. If the Director determines that a release or potential release of hazardous waste and/or hazardous constituents poses a threat to human health or the environment, the Director may require interim measures, stabilization, or both to control or abate such threat, or to minimize or prevent the further spread of contamination until final corrective measures can be initiated. The Director will determine the specific action(s) that must be taken to implement interim measures, stabilization or both, including the schedule for implementing the interim measures and/or stabilization requirements, and will inform the Permittee of the action(s) in writing.
4. The Permittee shall continue to implement interim corrective measures currently underway to address all releases of groundwater at and beyond the point of compliance. These interim corrective measures shall comply with the requirements of 40 CFR 264.101 and shall include all areas not addressed by Section IV of KDHE's Part I Permit. These interim corrective measures shall be designed to prevent any releases of hazardous constituents above the groundwater protection standards, included in Attachment B of KDHE's Part I Permit, to the Walnut River.
5. The Permittee shall submit, within 90 days from the effective date of this Part II Permit, three copies of an Interim Measures Operation and Maintenance (IMOM) Plan to describe interim measures used to address all releases of groundwater at and beyond the point of compliance, including those addressed in III.D.4. The IMOM Plan shall be consistent with the requirements of the Scope of Work for Interim Measures for Stabilization described in the "RCRA Corrective Action Plan", dated May 1994, OSWER Directive Number 9902.3-2A; EPA Document Number 520-R-94-004; and any subsequent revisions or editions. In order to support corrective action decisions, the IMOM Plan shall describe



current interim measures, their objectives, and procedures for monitoring their effectiveness. The IMOM Plan will include, but not be limited to the following:

- a. A description of the current interim corrective measures including plume stabilization and groundwater containment measures and their objectives;
  - b. A detailed description of Operation and Maintenance protocols necessary to keep the interim measures and associated equipment fully functional and effective for their intended purpose.
  - c. A Sampling and Analysis Plan to monitor the effectiveness of the interim corrective measures. The Permittee may choose to modify the existing Part I Sampling and Analysis Plan, Appendix P of the approved Part B Permit Application to include the groundwater monitoring program for the interim corrective measures required in Part II of the Permit.
  - d. A cost estimate, as described in III.O for completing all work described in the IMOM Plan.
  - e. A schedule for interim measures, which includes groundwater monitoring, further facility investigation, risk assessments, and corrective measure studies through final remedy selection
6. For implementation of the IMOM Plan the Permittee shall utilize a Quality Assurance Project Plan (QAPP) prepared in accordance with "EPA Requirements for Quality Assurance Project Plans" EPA QA/R-5, March 2001, and "Guidance for Quality Assurance Project Plans" EPA QA/G-5, December 2002, and any subsequent revisions or editions. The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the IMOM Plan. The QAPP shall identify procedures that will be performed during the development of the interim corrective measures program to characterize the nature and extent of contamination in order to ensure that all information and data resulting from the program are technically defensible, representative, and accurate in support of the interim corrective measures program. The QAPP must be reviewed and approved by the EPA Region 7 Quality Assurance Office. The QAPP shall include, but not limited to, the following:
- a. Procedures for field and laboratory quality assurance and quality control, chain-of-custody, data review and management, validation and reporting sample collection, field measurement and/or analysis, containerization, preservation, packaging, and shipment.

- b. A laboratory QAPP or equivalent which is provided by the laboratory selected to perform the sample analysis.
- c. Laboratory methods in accordance with Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB. [70 FR 34538, June 14,2005]

7. The Director will review the IMOM Plan for approval with the procedures set forth in Part II Permit Condition III.S. Upon approval thereof by the Director, the Permittee shall implement the plan in accordance with the approved schedule. The Permittee shall also submit an electronic copy of the IMOM Plan in PDF format or alternate electronic format agreed upon between EPA and the Permittee on a CD or DVD-ROM that incorporates all changes and/or revisions required for, or as, a condition of approval.

8. If at any time, the Permittee determines that the interim measures and/or stabilization activities are not controlling or abating the threat or effectively minimizing or preventing the further spread of contamination, the Permittee must notify the Director in writing no later than ten (10) calendar days after such a determination is made. The Director may require that the interim measures and/or stabilization activities be revised to make them more effective; or that final corrective measures be implemented to remediate the contaminated media.

9. If at any time, the Permittee determines that the groundwater monitoring and response program associated with interim measures and/or stabilization activities is not adequate for determining the effectiveness of the interim measures, the Permittee must notify the Director in writing no later than ten (10) calendar days after such a determination is made. The Director may require that the groundwater a response program be revised to make it adequate to determine the effectiveness of the corrective measures.

### **III.E. RCRA FACILITY INVESTIGATION WORK PLAN**

The Permittee initiated corrective action in accordance with the Part II Permit of the Hazardous Waste Management Permit issued on October 16, 1988. In accordance with the requirements of that Permit, the Permittee submitted reports titled, "Unit and Waste Characterization Report," dated April 1990, "Surface Water and Sediment Characterization Report," dated September 1990, "Short-Term Groundwater Monitoring Report," dated September 1990, "RFI Soil Characterization Report," dated March 1991 and a "Final RFI Report," dated August 1992. Based upon the Director's review of the RCRA Facility Investigation Report dated August 1992, additional investigation of the facility was necessary. The Permittee submitted a Phase II RFI Work Plan dated July 1998 and submitted the Phase II RFI Report dated June 2000. After comments were

provided on the Phase II RFI Report on November 30, 2000, the Permittee submitted a two-part response with the first part dated January 11, 2001 and in a subsequent document entitled "Addendum to TPI Petroleum, Inc, Phase II RCRA Facility Investigation," on April 18, 2001. The EPA's approval letter with comments on the Phase II RCRA Facility Investigation Report is dated October 26, 2001.

1. The objectives of a RFI include, but are not limited to, all actions necessary to characterize the nature, direction, three-dimensional extent, rate, movement, and concentration of releases of hazardous waste and/or hazardous constituents from specific SWMUs, AOCs or releases, and their actual or potential receptors. The RFI shall be designed to obtain sufficient information to support further corrective action decisions at the facility.

2. Within ninety (90) calendar days of receipt of a written request from the Director, the Permittee shall prepare and submit to the Director for review and approval in accordance with Part II Permit Condition III.S, a new RFI Work Plan for conducting a RFI for those SWMUs, AOCs or releases identified by the Director, and/or SWMUs, AOCs or releases identified by the Permittee in accordance with Part II Permit Condition III.C and notified by the Director in accordance with Part II Permit Condition III.C.5. The RFI Work Plan(s) shall be consistent with the requirements of the Scope of Work for a RCRA Facility Investigation in the "RCRA Corrective Action Plan", dated May 1994, OSWER Directive Number 9902.3-2A; EPA Document Number 520-R-94-004; and any subsequent revisions or editions. The RFI Work Plan(s) shall also be consistent with the "RCRA Facility Investigation Guidance", dated May 1989, OSWER Directive Number 9502.00-6D, EPA Document Number 530/SW-89-031, and any subsequent revisions or editions. The RFI Work Plan(s) shall describe in detail all proposed activities and procedures to be conducted at the facility and the overall technical and analytical approach to completing all actions necessary to achieve the objectives of the RFI. In order to support corrective action decisions, the RFI Work Plan(s) shall include, but is not limited to:

- a. A description of the current conditions at the facility;
- b. The full characterization of the environmental setting;
- c. The full characterization of the sources and nature of hazardous wastes and constituents;
- d. The procedures required to achieve full characterization of the three-dimensional extent and rate of on-site and/or off-site migration of releases of hazardous waste and/or hazardous constituents from SWMUs, AOCs and/or releases at the facility and their actual or potential receptors;

- e. The work to identify and completely characterize all contaminant plumes;
  - f. Identification of any additional SWMUs, AOCs and/or releases not previously identified consistent with Part II Permit Condition III.C;
  - g. Collection of sufficient data to conduct a Risk Assessment consistent with EPA's guidance for risk assessments titled "Risk Assessment Guidance for Superfund, Volume 1, Human Health Evaluation Manual, Parts A-D - Interim Final (1989 & 1991)", and any subsequent revisions or editions; and "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments Interim Final (1997), and any subsequent revisions or editions;" and
  - h. The collection of any other pertinent data which are necessary to support a Corrective Measures Study (CMS) and/or any further corrective action decisions;
  - i. The schedule for implementing and completing such investigations and submitting reports, including the RFI Report;
  - j. A requirement to provide thirty (30) days written advance notice to the Director of the date upon which field work will begin;
  - k. The qualifications of personnel performing or directing the investigations, including contractor personnel; and
  - l. The overall management of the RFI or project organization.
3. The RFI Work Plan shall include the submittal of a Sampling and Analysis Plan (SAP) prepared in accordance with the "RCRA Corrective Action Plan," dated May 1994, OSWER Directive Number 9902.3-2A; EPA Document Number 520-R-94-004; and any subsequent revisions or editions and the "RCRA Facility Investigation Guidance", dated May 1989, OSWER Directive Number 9502.00-6D, EPA Document Number 530/SW-89-031, and any subsequent revisions or editions. The SAP shall include, but is not limited to, the following:
- a. Description of all sampling procedures including sample collection by media, field measurement and/or analysis, analytical methods, containerization, preservation, packaging, and shipment (including chain-of-custody) procedures;

- b. Plans for the handling and disposal of all investigation-derived wastes, such as drilling spoils, water produced during well development, water produced during purging prior to groundwater sample collection, and fluids generated during decontamination of drilling and sampling equipment;
  - c. A map with all SWMUs, AOCs, and/or release areas shown and maps of each SWMU, AOC or release area showing all sampling points, depth intervals, and constituents to be sampled and analyzed for.
4. The RFI Work Plan shall include the submittal of a Quality Assurance Project Plan (QAPP) prepared in accordance with "EPA Requirements for Quality Assurance Project Plans" EPA QA/R-5, March 2001, and "Guidance for Quality Assurance Project Plans" EPA QA/G-5, December 2002, and any subsequent revisions or editions. The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. The QAPP shall identify procedures that will be performed during the investigation to characterize the nature and extent of contamination in order to ensure that all information and data resulting from the investigation are technically defensible, representative, and accurate in support of corrective action and risk management decisions. These documents must be reviewed and approved by the EPA Region 7 Quality Assurance Office. The QAPP shall include, but is not limited to, the following:
- a. The RFI objectives, analytical and laboratory methods, field and laboratory quality assurance and quality control samples, chain-of-custody procedures, and data review and management, validation and reporting procedures, sample collection, field measurement and/or analysis, containerization, preservation, packaging, shipment.
  - b. A laboratory QAPP or equivalent which is provided by the laboratory selected to perform sample analysis.
  - c. Laboratory methods shall be in accordance with Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB. [70 FR 34538, June 14, 2005].
5. The Permittee shall prepare and maintain a health and safety plan during the project that assures the RFI activities are conducted in a manner that is protective of human health and the environment.



### **III.F. RFI IMPLEMENTATION**

Upon receipt of written approval from the Director of the RFI Work Plan, the Permittee shall implement the EPA-approved RFI Work Plan according to the schedules therein and the following:

1. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the RFI Work Plan to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.
2. Any proposed deviations from the EPA-approved RFI Work Plan must be approved in advance by the Director or his/her designee and fully documented and described in the progress reports and in the RFI Final Report.
3. Any additional work necessary to accomplish the RFI will be subject to the requirements of Part II Permit Condition III.N.

### **III.G. RCRA FACILITY INVESTIGATION REPORT**

1. The Permittee shall submit an RFI Report according to the schedule contained in the EPA-approved RFI Work Plan and/or any EPA-approved RFI Work Plan Addenda. The RFI Report shall be consistent with the requirements of the "RCRA Corrective Action Plan," dated May 1994, OSWER Directive Number 9902.3-2A; EPA Document Number 520-R-94-004; and any subsequent revisions or editions. The RFI Report shall also be consistent with the "RCRA Facility Investigation Guidance," dated May 1989, OSWER Directive Number 9502.00-6D, EPA Document Number 530/SW-89-031, and any subsequent revisions or editions. The RFI Report shall present all information gathered under the EPA-approved RFI Work Plan and/or any EPA-approved RFI Work Plan Addenda along with a facility description and map showing the property boundary and all SWMUs, AOCs, and other areas where a release occurred. The RFI Report must contain sufficient information to support further corrective action decisions at the facility. The RFI Report shall describe the procedures, methods, and results of all investigations of SWMUs and AOCs and associated releases, including but not limited to the following:
  - a. Characterization of the extent, nature, direction, rate, movement and concentration of releases from the facility.
  - b. Characterizations of the environmental setting at the facility, including:
    - i. Hydrogeological conditions;



- ii. Climatological conditions;
  - iii. Soil characteristics;
  - iv. Surface water and sediment quality; and
  - v. Air quality and meteorological conditions.
- c. Characterization of SWMUs, AOCs, or other areas from which releases have been or may be occurring, including unit and waste or hazardous constituent characteristics.
- d. Descriptions of human populations and environmental systems which are, may have been, or, based on site-specific circumstances, may be exposed to release(s).
- e. Any other information that will assist the Director in assessing risks to human health and the environment from releases from SWMUs, AOCs, or other unit/area.
- f. Conclusions regarding future contaminant movement.
- g. Laboratory, bench-scale or pilot-scale tests or studies conducted to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.
- h. Statistical analyses to aid in the interpretation of data.
- i. Results of any interim measures.
- j. Any deviations from the EPA-approved RFI Work Plan.
2. After the Permittee submits the RFI Report, the Director will review and approve the RFI Report in accordance with the procedures set forth in Part II Permit Condition III.S.
3. If the Director determines that additional investigation or study of SWMUs or AOCs is necessary, the Permittee will conduct those activities in accordance with Part II Permit Condition III.N.
4. If the Director determines that an interim measure or corrective measure is required, the Director will notify the Permittee in writing and request either interim measures as specified in Part II Permit Condition III.D or a corrective measures study as specified in Part II Permit Conditions III.H and III.J.

### **III.H. CORRECTIVE MEASURES STUDY WORK PLAN**

Following EPA approval of the Phase II RFI, a CMS work plan was developed for the facility. The work plan was approved by EPA on February 22, 2002. Initial development on the Corrective Measures Study led to a decision to update and expand the site soils characterization. This conclusion was in part due to soil re-working that occurred during the 2003 facility decommissioning, and to obtain new polycyclic aromatic hydrocarbon (PAH) data utilizing improved analytical methods with lower reporting limits. During 2004 and 2005 the facility investigated the entire site using a cone penetrometer tool (CPT) and a laser induced fluorescence (LIF) tool, also known as a rapid optical screening technique (ROST), and the corresponding data was compiled into a series of geologic cross-sections with delineation of hydrocarbon impacts included in a report submitted in December 2008; then in 2010, 12 new locations were added and the LIF was rerun at 44 locations.

On September 29, 2005, the EPA approved the document titled, "Proposed Cleanup Goals" for the site. Many of the individual SWMU's have since been grouped into exposure units for purposes of evaluating site risk. In July 2009, MRP submitted the document entitled, "Exposure Unit Supplemental Soil Investigation Work Plan". After revisions based on comments received, the final work plan was submitted on October 18, 2010 and approved on October 26, 2010. The EUSSI report was submitted on April 21, 2011. On March 15, 2012 comments were provided on the EUSSI report, including a request for changes to several human health risk screening methods and assumptions included in the report, and the performance of a baseline human health risk assessment (HHRA) for the Site. KDHE and EPA responded to the revised April 2012 EUSSI Report, by stating no further revisions were necessary.

The Permittee is preparing a human health risk assessment (HHRA) work plan. The objective of the HHRA is to evaluate potential soil exposure pathways and receptors based on current and intended future commercial/industrial land use, as well as hypothetical future development of the site involving construction workers and/or utility workers. The HHRA work plan shall be submitted by the Permittee within 90 days of issuance of the Part II Permit and is to include a review of existing data for use in risk assessment, the identification of potential data gaps, and recommendations for the collection of supplemental data necessary to complete the HHRA. The Permittee shall implement the HHRA approved work plan and submit a final report in accordance with the schedule contained in the approved HHRA work plan.

1. If the Director determines that there has been a release of hazardous waste and/or hazardous constituents that may present a threat to human health or the environment, the Director may require a new Corrective Measures Study (CMS) and will notify the Permittee in writing.

2. The Permittee shall submit three (3) copies of a CMS Work Plan to the Director within sixty (60) calendar days of notification of the requirement to conduct a CMS. The CMS Work Plan shall describe all the investigations, studies and other work necessary to select a corrective measure or measures to protect human health and the environment from releases of hazardous wastes and hazardous constituents. Corrective measures described in the CMS Work Plan may include measures that incorporate engineering or institutional controls subject to EPA's approval. The CMS Work Plan shall be consistent with the most recent version of the EPA guidance document entitled, RCRA Corrective Action Plan (EPA/520-R-94-004).

3. If the CMS Work Plan will consider corrective measures that leave contamination onsite at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment in perpetuity. Such a plan shall be consistent with EPA guidance including but not limited to "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups," EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups," February 2003.

4. At a minimum, the CMS Work Plan shall provide the following information:

- a. A description of the general approach to investigating and evaluating potential corrective measures;
- b. A site specific description of the overall purpose of the corrective measures study;
- c. A description of the corrective measures objectives, including proposed target media cleanup standards and points of compliance or a description of how a risk assessment will be performed;
- d. A definition of the specific objectives of the Corrective Measure Study;
- e. A description of the specific corrective measure technologies and/or corrective measure alternatives which will be studied;

- f. A detailed description of any proposed pilot, laboratory and/or bench-scale studies;
- g. A description of overall project management including overall approach, levels of authority, lines of communication, project schedules, budget and personnel. Include a description of qualifications for personnel directing or performing the work;
- h. A description of the method to be used to evaluate corrective measures. The CMS Work Plan shall specify that the CMS Report will include an evaluation of each corrective measure studied using, at a minimum, four "threshold criteria" and five "balancing criteria."
- i. Threshold criteria:
  - i. Protection of human health and the environment;
  - ii. Attainment of media cleanup standards set by, or risk-based standards approved by, EPA;
  - iii. Controlling the sources of releases to reduce or eliminate further releases that may pose a threat to human health and the environment, and
  - iv. Compliance with applicable standards for management of wastes.
- j. Balancing criteria:
  - i. Long-term reliability and effectiveness;
  - ii. Reduction of toxicity, mobility or volume of wastes;
  - iii. Short-term effectiveness;
  - iv. Implementability; and
  - v. Cost.
- k. The schedules for conducting the Corrective Measures Study and submitting a Corrective Measures Study Report;
- l. A requirement to provide thirty (30) days written advance notice to the Director of the date upon which field work will begin; and

m. The proposed format for the presentation of information in the Corrective Measures Study Report. The format for the CMS Report shall include at a minimum:

- i. Introduction/Purpose;
- ii. Description of Current Conditions;
- iii. Media Cleanup Standards;
- iv. Identification, Screening, and Development of Corrective Measures Alternatives;
- v. Evaluation of a Final Corrective Measures Alternative;
- vi. Recommendation by Permittee for a Final Corrective Measure Alternative; and
- vii. Public Involvement Plan.

n. The Director may require the Permittee to evaluate as part of the CMS one or more specific potential remedies. These remedies may include a specific technology or combination of technologies that, in the EPA's judgment, achieves protection of human health and the environment.

o. The Director will review the CMS Work Plan in accordance with the procedures set forth in the Part II Permit Condition III.S.

### **III.I. CORRECTIVE MEASURES STUDY WORK PLAN IMPLEMENTATION**

1. Upon receipt of written approval from the Director for the CMS Work Plan, the Permittee shall implement the EPA-approved CMS Work Plan according to the schedules therein and the following:

2. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the CMS Work Plan to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.

3. Any proposed deviations from the EPA-approved CMS Work Plan must be approved in advance by the Director or his/her designee and fully documented and described in the progress reports and in the CMS Report.

4. Any additional work necessary to accomplish the CMS will be subject to the requirements of Part II Permit Condition III.N.

### **III.J. CORRECTIVE MEASURES STUDY REPORT**

1. The Permittee shall submit three (3) copies of a CMS Report according to the schedule contained in the approved CMS Work Plan. The CMS Report shall present all information gathered under the approved CMS Work Plan and shall be consistent with the most recent version of the EPA guidance document entitled, RCRA Corrective Action Plan (EPA/520-R-94-004).
2. If the CMS Report proposes corrective measures that leave contamination onsite at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment in perpetuity. Such a plan shall be consistent with EPA guidance including but not limited to "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups," EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups," February 2003.
3. The CMS Report shall include:
  - a. A brief summary discussion of any new information that would significantly affect the evaluation and selection of the corrective measures alternative;
  - b. A summary of the risks to human health and the environment which require implementation of a corrective measure(s);
  - c. Proposed media cleanup standards for the protection of human health and the environment;
  - d. The results of the investigations for each remedy studied and of any bench-scale or pilot tests or modeling (if applicable) conducted;
  - e. An estimate of the costs for implementing each corrective measure;



f. A detailed evaluation of each corrective measure using the four threshold criteria and the five balancing criteria listed in Part II Permit Conditions III.H.4.i and III.H.4.j; and

g. The Permittee's recommendation, with justification, of the appropriate corrective measure or measures, based upon the above criteria and the information in Part II Permit Conditions III.H.4.i and III.H.4.j.

4. The Director may require the Permittee to evaluate as part of the CMS one or more specific potential corrective measures. These corrective measures may include a specific technology or combination of technologies that, in the EPA's judgment, achieves protection of human health and the environment.

5. The CMS Report must contain adequate information for the Director to select the corrective measure(s) necessary to protect human health and the environment from releases of hazardous wastes and hazardous constituents at or from the Facility.

6. The CMS Report will be reviewed in accordance with the procedures set forth in Part II Permit Condition III.S.

### **III.K. CORRECTIVE MEASURES SELECTION**

#### **III.K.1. Corrective Measures Selection**

The Director will select corrective measure(s) that will (1) protect human health and the environment; (2) attain media cleanup standards set by the Director; (3) control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases that may pose a threat to human health and the environment; and (4) comply with any applicable standards for management of wastes. Before selecting corrective measures, the Director will prepare a Statement of Basis that identifies the preferred corrective measure or measures and provides the reasons for the selection. The Director will make a final corrective measures decision after public notice and public review of the Statement of Basis and review of all public comments. If necessary, EPA will initiate a Permit modification pursuant to 40 CFR § 270.41 to require implementation of the preferred corrective measure or measures. Alternatively, this Part II Permit may be modified by the Permittee pursuant to 40 CFR §270.42(c) for the implementation of the EPA selected corrective measure or measures.

### **III.L. CORRECTIVE MEASURES IMPLEMENTATION**

#### **III.L.1. Corrective Measure Implementation Work Plan**

a. Within sixty (60) calendar days of selection by the Director of a final remedy/corrective measure, the Permittee shall submit a Corrective Measures Implementation Work Plan (CMIWP) to implement the selected corrective measure(s). The CMIWP is subject to approval by the Director and shall be developed in a manner consistent with the CMI Scope of Work in the "RCRA Corrective Action Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein.

b. The CMIWP shall detail the design, construction, operation, maintenance, and monitoring of the selected corrective measure. If the CMI will consider corrective measures that leave contamination onsite at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment. Within ten (10) days of a request by the Director, the Permittee shall provide an editable version of the CMIWP in an electronic format such as Word<sup>®</sup>, AutoCAD<sup>®</sup>, etc., in accordance with the "RCRA Corrective Action Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein. The CMIWP, at a minimum, shall include the following sections:

- i. Project Management
- ii. Public Involvement
- iii. Design Plans and Specifications
- iv. Operation and Maintenance
- v. Monitoring and Recordkeeping Plan
- vi. Cost Estimate
- vii. Project Schedule, including provisions for thirty (30) days written advance notice of any field work
- viii. Construction Quality Assurance/Quality Control Program
- ix. Sampling and Analysis Plan

- x. Quality Assurance Project Plan
  - xi. Data Management
  - xii. Waste Management Plan
  - xiii. Periodic Reports, including the Construction Complete Report
- c. Institutional Control (IC) Plan: If an IC Plan is necessary, the Permittee shall provide in the CMIWP a detailed IC plan for the establishment of ICs, as required below:
- i. The ICs shall be consistent with EPA guidance including but not limited to "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups," EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups," February 2003 . The CMIWP shall include drafts of all proposed IC documents. The CMIWP shall include a schedule for the implementation of the IC plan. Upon approval of the CMIWP by the Director, the Permittee shall implement the IC plan.
- d. Long-Term Inspection, Monitoring and Maintenance: The Permittee shall provide in the CMIWP required above a detailed plan to conduct long-term monitoring, inspection, maintenance, recordkeeping and reporting to demonstrate and report the effectiveness of the corrective measures. The plan shall include inspection, monitoring and maintenance of the ECs and monitoring and review of ICs. The Permittee shall determine if any construction or excavation has not been in accordance with the ICs above. Upon approval of the CMIWP by the Director, the Permittee shall implement the long-term monitoring, inspection, maintenance, recordkeeping and reporting plan.
- e. Concurrent with the submission of a CMIWP, the Permittee shall submit to the Director a CMI Health and Safety Plan.
- f. The Director will review the CMIWP for approval in accordance with the procedures set forth in Part II Permit Condition III.S below. Upon approval thereof by the Director, the Permittee shall implement the plan in accordance with the schedule contained therein. The Permittee shall also submit an electronic copy of the CMIWP in PDF format or

other electronic format agreed upon between EPA and the Permittee on a CD or DVD-ROM that incorporates all changes and/or revisions required for, or as, a condition of approval.

### **III.L.2. Corrective Measures Implementation**

- a. Upon receipt of written approval from the Director for the CMIWP, the Permittee shall implement the EPA-approved CMIWP according to the schedules therein and the following:
- b. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the CMIWP to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.
- c. Any proposed deviations from the EPA-approved CMIWP must be approved in advance by the Director or his/her designee and fully documented and described in the progress reports and in the Corrective Measures Construction Completion Report.
- d. Any additional work necessary to implement the Corrective Measures will be subject to the requirements of Part II Permit Condition III.N.

### **III.L.3. Corrective Measures Construction Completion Report**

The Permittee shall submit a Corrective Measures Construction Completion Report (CMCCR) to the Director in accordance with the approved CMIWP schedule. Within ten (10) days of a request by the Director, the Permittee shall provide an editable version of the CMCCR in an electronic format such as Word®, AutoCAD®, etc. The CMCCR shall be consistent with the "RCRA Corrective Action Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein. The CMCCR shall, at a minimum, include the following:

- a. Description of the purpose of the CMCCR;
- b. Synopsis of the corrective measure, design criteria, and certification that the corrective measure was constructed in accordance with the final plans and specifications as contained in the CMI Work Plan;
- c. Explanation and description of any modifications to the EPA approved CMI Work Plan and specifications and why these were necessary for the project;

- d. Results of any operational testing and/or monitoring, indicating how initial operation of the corrective measure compares to the design criteria;
- e. Summary of significant activities that occurred during construction, including a discussion of problems encountered and how they were addressed;
- f. Summary of any inspection findings (include copies of key inspection documents in appendices); and
- g. As built drawings or photographs depicting the constructed corrective measure(s).

#### **III.L.4. Corrective Measures Implementation Annual Report**

The Permittee shall submit a CMI Annual Report to the Director no later than March 1 of each year of the prior year's performance of the corrective measures above, including IC's. The CMI Annual Report shall include documentation of all samples and data collected and their analysis, and an evaluation of both the short-term and long-term effectiveness of the corrective measures. The CMI Annual Report shall include any deficiencies or violations of ECs or ICs determined from the inspection, maintenance, and monitoring required in Part II Permit Condition III.L.1.d. Based upon EPA's review of the report, the Director may require the Permittee to conduct additional investigation, study, and/or work in order to modify an existing corrective measure or to select a new corrective measure or measures. If action is needed to protect human health or the environment from releases or to prevent or minimize the further spread of contamination while long-term remedies are pursued, the Director may require the Permittee to implement Interim Measures pursuant to Part II Permit Condition III.D. Note that the Permittee must still report all instances of non-compliance as required elsewhere by the Part II Permit.

#### **III.L.5. Corrective Measures Implementation Five-year Review**

- a. The Permittee shall submit a report to evaluate the corrective measures effectiveness and performance every five (5) years to the Director. Within sixty (60) days after the 5-year anniversary of EPA's approval of the CMCCR, the Permittee shall submit to EPA for review and approval a 5-Year Corrective Measures Performance Evaluation Report. The evaluation shall be consistent with the CERCLA Comprehensive Five-Year Review Guidance, OSWER9355.7-03B-P, and any subsequent revisions or additions, and include the following:

- i. Annual reports required in Part II Permit Condition III.L.4

- ii. Effectiveness of corrective measures in protecting human health and the environment as planned in the Statement of Basis.
- iii. Effectiveness of ECs and ICs in protecting human health and the environment as planned in the Statement of Basis.
- iv. Results of sampling and analysis to determine the effectiveness and performance of the corrective measures.
- v. Any changed circumstances that render the corrective measure, including ECs and ICs, ineffective.
- vi. Possible modifications to the corrective measures to provide necessary protection.
- vii. Any other reporting requirements included in the EPA approved CMIWP.

b. Based upon EPA's review of the report, the Director may require the Permittee to conduct additional investigation, study, and/or work in order to modify an existing corrective measure or to select a new corrective measure or measures. If action is needed to protect human health or the environment from releases or to prevent or minimize the further spread of contamination while long-term remedies are pursued, the Director may require the Permittee to implement Interim Measures pursuant to Part II Permit Condition III.D.

#### **III.L.6. Corrective Measure Completion Report**

a. The Permittee shall submit a Corrective Measures Completion (CMC) Report to the Director within ninety (90) calendar days of the completion of all remedial activities required by Part II Permit Condition III and generally conform to the "RCRA Corrective Action Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein. The purpose of the CMC Report is to fully document how the corrective measure completion criteria have been satisfied and to justify why the corrective measure and/or monitoring may cease. The CMC Report shall, at a minimum, include the following elements:

- i. Purpose;
- ii. Synopsis of the corrective measure;
- iii. Corrective Measure Completion Criteria: Describe the process and criteria for determining when corrective measures,



maintenance and monitoring may cease. Corrective measure completion criteria were given in the final Operation and Maintenance (O&M) Plan;

iv. Demonstration that the completion criteria have been met. Include results of testing and/or monitoring, indicating how operation of the corrective measure compares to the completion criteria;

v. Summary of work accomplishments (e.g., performance levels achieved, total treated and/or excavated volumes, nature and volume of wastes generated, etc.);

vi. Summary of significant activities that occurred during operations. Include a discussion of problems encountered and how they were addressed;

vii. Summary of inspection findings (include copies of key inspection documents in appendices);

viii. Summary of total operation and maintenance costs; and

ix. Determination of whether ECs and/or ICs are required to continue to be maintained.

b. The Director will review the CMC Report for approval in accordance with the procedures set forth in Part II Permit Condition III.S. The Permittee shall also submit an electronic copy of the report in a format and on a media approved by the Director that incorporates all changes and/or revisions required for approval. Upon approval of the CMC Report, the Director shall notify the Permittee in writing of release from financial assurance obligations.

c. The requirements for ICs and ECs shall be maintained as specified in this Part II Permit and shall not be terminated until EPA has determined that the concentration of hazardous constituents in the soil and groundwater are at such levels to allow for unlimited use and unrestricted exposure.

### **III.M. CHANGE IN PROPERTY USE**

If property use restrictions are included as a part of the EPA selected corrective measures, before the property use can be changed, the Permittee shall submit a request for a Part II Permit modification to include a new risk assessment and corrective measures study that

addresses potential exposures associated with the proposed property use. The Director will review the revised risk assessment/CMS Report for approval in accordance with the procedures set forth in Part II Permit Condition III.S. Changes in corrective measures shall be selected in accordance with procedures in Part II Permit Condition III.K.1. Upon final selection and modification into the Part II Permit, the Permittee shall implement the new corrective measure.

### **III.N. ADDITIONAL WORK**

If at any time during implementation of corrective action under this Part II Permit the EPA determines that additional work is necessary to accomplish the corrective action required under this Part II Permit, EPA will provide written notification to the Permittee of the requirement for additional work to be performed by the Permittee. EPA may determine that certain tasks, including, but not limited to, investigatory work or engineering evaluation are necessary in addition to the tasks and deliverables already required under this Part II Permit. EPA will specify the basis and reasons for its determination that the additional work is necessary and will request submittal of a draft work plan to perform the additional work. Within sixty (60) days of the EPA's request, the Permittee shall submit a draft work plan for EPA review and approval pursuant to Part II Permit Condition III.S. Upon EPA approval, the Permittee shall perform the additional work according to the EPA-approved work plan. The completion of the additional work, as specified in this Part II Permit Condition, shall be documented by the Permittee in accordance with the approved schedule for the additional work.

### **III.O. COST ESTIMATE FOR CORRECTIVE ACTION WORK**

1. The Permittee shall prepare and maintain detailed written estimates, in current dollars, of the cost of hiring a third party to perform all of the work required by the Permittee under the Part II Permit (hereafter the "Work"). The work required by the Part II Permit is corrective action work under 40 CFR §264.100(e)(1) and (2) and 40 CFR §264.101 for which the state of Kansas has not received RCRA authorization. Cost estimates prepared for KDHE's Part I Permit may be submitted, but such cost estimates must separately specify the cost of the work to be performed under 40 CFR §264.100(e)(1) and (2) and 40 CFR §264.101 for which the state of Kansas does not have RCRA authorization. The cost estimate shall also include long term costs such as operation and maintenance costs and monitoring costs. A third party is a party who (i) is neither a parent nor a subsidiary of Permittee, and (ii) does not share a common parent or subsidiary with Permittee. The cost estimate shall not incorporate any salvage value that may be realized from the sale of wastes, facility structures or equipment, land or other assets associated with the facility.

2. The first detailed cost estimate due under this permit is that required by Part II Permit condition III.D.5.d, the IMOM Plan cost estimate. This cost estimate is due within 90 days of the effective date of this Part II Permit as a part of the IMOM Plan.
3. Within thirty (30) days of approval by the Director of any new, additional, or revised work plan or implementing document, or work otherwise required under this Part II Permit, the Permittee shall submit to the Director for review and approval a revised cost estimate of the Work, to include that outlined in the EPA-approved work plan and/or implementing documents. In addition, Permittee shall adjust the estimated cost of the Work if the Director determines that either additional work is required, pursuant to Part II Permit Condition III.N., or if any other condition increases the estimated cost of the Work to be performed under this Part II Permit. The Director will review the revised cost estimate in accordance with Part II Permit Condition III.S. The Director will notify the Permittee in writing of the Director's approval, disapproval, or modification of the cost estimate in accordance with Part II Permit Condition III.S. The Director may waive in writing the requirement for a cost estimate for any document at his/her discretion.
4. Annually, Permittee shall adjust the estimated cost of the Work for inflation. The inflation adjustment shall be determined by using the procedures described in 40 CFR 264.142(b) except that the inflation factor should be derived from the most recent annual Implicit Price Deflator for the Gross Domestic Product instead of the Gross National Product, for the estimated cost of the Work. The annual adjustments are required until the Work required by Part II Permit Condition III is completed. The Permittee shall annually adjust the estimated cost of the Work for inflation within sixty (60) calendar days prior to the anniversary date of the establishment of the financial instrument(s), or within thirty (30) calendar days after the close of the fiscal year if a financial test or corporate guarantee is used. The cost estimate of all of the Work required by the Permittee under this Part II Permit adjusted appropriately and up to date for inflation shall be referred to as the EPA-approved estimated cost of the Work.
5. If the Permittee believes that the estimated cost of the Work remaining to be completed has diminished below the most recent EPA-approved cost estimate, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Permit Condition III.O.4, or at any other time agreed to by the Director, submit a revised cost estimate of the Work to the Director for review and approval according to procedures set forth in Part II Permit Condition III.S. If EPA decides to accept and approve the revised cost estimate, the Director will notify the Permittee in writing that the financial

assurance mechanism may be adjusted according to the new EPA-approved cost estimate of the Work and in accordance with Part II Permit Condition III.P.6.

### **III.P. FINANCIAL ASSURANCE FOR COMPLETING THE WORK**

KDHE's Part I Permit includes state financial assurance requirements with which the Permittee must comply. In order to secure the full and final completion of all of the Work in accordance with this the Part II Permit, the Permittee shall establish and maintain financial assurance for the benefit of the EPA in the amount of the most recent Estimated Cost of the Work adjusted for inflation as required in Part II Permit Condition O. associated with the work required under 40 CFR §264.100(e)(1) and (2) and 40 CFR §264.101, for which the state of Kansas does not have RCRA authorization.

Within thirty (30) days after the Director has approved the initial Estimated Cost of Work, and subsequent adjustments for inflation, in accordance with Part II Permit Condition III.O, the Permittee shall submit draft financial assurance instruments and related documents to the Director, for the Director's review and approval in accordance with Part II Permit Condition III.S.

Within ten (10) days after the Director's approval of the draft financial assurance instruments, the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the financial assurance documents reviewed and approved by the Director. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents to the Director within thirty (30) days after the Director's approval of the draft financial assurance instruments. The Permittee shall submit annual updates to the financial assurance instruments by March 31 each year until the corrective action work is complete.

If the permittee is using a financial instrument described in Part II Permit Condition III.P.1.e. or III.P.1.f., the Permittee must incorporate remaining corrective action work listed in any cost estimates approved by EPA in the prior year at the time of the annual financial assurance update. In addition to the annual financial assurance update, within 90 days after notification that EPA has selected final corrective measures and approved the cost estimate, the Permittee shall submit draft financial assurance instruments and related documents, for the Director's review and approval in accordance with Part II Permit Condition III.S.

Any references in this Part II Permit Condition to the requirements of 40 CFR Part 264, Subpart H shall be construed to require the Permittee to comply with the substantive requirements for each instrument. In addition, rather than imposing requirements to provide cost estimates for closure and post-closure activities these provisions require a demonstration that the Permittee has obtained sufficient financial assurances to complete

any work for which cost estimates are required by this Part II Permit. Finally, any financial assurance instrument submitted under this Part II Permit shall recite that the instrument is established to ensure completion of any corrective action work for which cost estimates are required under this Part II Permit rather than reciting that the instrument is being submitted for closure and post-closure activities.

### **III.P.1. Financial Assurance Instruments:**

A Permittee may use one or more of the financial assurance forms generally described in Part II Permit Condition III.P.1.a-f below, except that instruments guaranteeing performance rather than payment such as a corporate guarantee and/or a financial test, may not be combined with other instruments. Any and all financial assurance instruments provided pursuant to this Part II Permit shall be satisfactory in form and substance as determined by the Director. The Director may limit the choices of the Permittee, to one or more of the instruments described below.

a. A trust fund established for the benefit of EPA, administered by a trustee who has the authority to act as a trustee under Federal or State law and whose trust operations are regulated and examined by a Federal or State agency, and that is acceptable in all respects to the Director. The trust agreement shall provide that the trustee shall make payments from the fund as the Director shall direct in writing (1) to reimburse the Permittee from the fund for expenditures made by the Permittee for Work performed in accordance with this Part II Permit, or (2) to pay any other person whom the Director determines has performed or will perform the Work in accordance with this Part II Permit. The trust agreement shall further provide that the trustee shall not refund to the grantor any amounts from the fund unless and until the Director has advised the trustee that the Work under this Part II Permit has been successfully completed.

b. A surety bond unconditionally guaranteeing performance of the Work in accordance with this Part II Permit, or guaranteeing payment at the direction of the Director into a standby trust fund that meets the requirements of the trust fund in Part II Permit Condition III.P.1.a above. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on Federal Bonds as set forth in Circular 570 of U.S. Department of the Treasury, and be acceptable to the Director.

c. An irrevocable letter of credit, payable at the direction of Director, into a standby trust fund that meets the requirements of the trust fund in Part II Permit Condition III.P.1.a above. The letter of credit shall be



issued by a financial institution that has the authority to issue letters of credit, and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

d. A policy of insurance that: (i) provides EPA with acceptable rights as a beneficiary; (ii) is issued by an insurance carrier (Insurer) licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States; (iii) has a face value at least equal to the current post-closure cost estimate or estimated cost of the Work to be performed under this Part II Permit, except where costs not covered by the policy are covered by another financial assurance instrument; (iv) is automatically renewable at the face amount of the expiring policy; (v) contains a provision that allows the policy to be assigned or transferred to a successor Permittee; (vi) provides that the Insurer make payments as directed in writing by the Regulators to (a) reimburse the Permittee for expenditures made by the Permittee for Work performed in accordance with this Part II Permit, or (b) pay any other person whom the Regulators determines has performed or will perform Work in accordance with this Part II Permit, up to an amount equal to the face amount of the policy; (vii) stipulates the Insurer may not cancel, terminate or fail to renew the policy except if the Permittee fails to pay the premiums; (viii) stipulates that if the Permittee fails to pay the premiums and the Insurer wants to cancel, terminate or fail to renew the policy, the Insurer must give the Regulators and the Permittee 120 days written notice. Cancellation, termination or failure to renew may not occur during the 120 days beginning with the date of receipt of the notice by both the Regulators and the Permittee; and (ix) stipulates that the cancellation, termination, or failure to renew the policy may not occur and the policy will remain in full force and in effect if, before the date of expiration, the Permittee declares bankruptcy or is named as a debtor in a voluntary or involuntary proceeding under USC Title 11 – Bankruptcy, or other events occur such as abandonment, termination, revocation, denial of this Part II Permit, or if the Regulators notify the Insurer of the Permittee's failure to perform.

e. A corporate guarantee, executed in favor of the EPA by one or more of the following; (i) a direct or indirect parent company, or (ii) a company that has a "substantial business relationship" with the Permittee (as defined in 40 C.F.R. § 264.141(h)); to perform the Work in accordance with this Part II Permit or to establish a trust fund as Permitted by Part II Permit Condition III.P.1.a above; provided, however, that any company providing such a guarantee shall demonstrate to the satisfaction of the Director that it satisfies the financial test requirements



of 40 C.F.R. § 264.143(f) with respect to the EPA-approved estimated cost of the Work that it proposes to guarantee; or

f. A demonstration by the Permittee that the Permittee meets the financial test criteria of 40 C.F.R. § 264.143(f) with respect to the EPA-approved estimated cost of the Work, provided that all other requirements of 40 C.F.R. § 264.143(f) are satisfied.

g. The allowance to use the corporate guarantee pursuant to Part II Permit Condition III.P.1.e or the financial test pursuant to Part II Permit Condition III.P.1.f shall be at the sole discretion of the Director and not subject to the dispute resolution under Part II Permit Condition III.T. If a Permittee provides financial assurance by means of a corporate guarantee or financial test, the Director may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time. If the Director determines that the use of the corporate guarantee pursuant to Part II Permit Condition III.P.1.e or the financial test pursuant to Part II Permit Condition III.P.1.f no longer fulfills the financial assurance requirements, the Director shall notify the Permittee of such determination and require a change in the financial assurance instrument pursuant to Part II Permit Condition III.P.8. The Permittee shall submit a revised form of financial assurance within thirty (30) days of such notification by the Director.

h. For the purposes of the financial test guarantees described in Part II Permit Conditions III.P.1.e and III.P.1.f above, references in 40 CFR § 264.143(f) to "the sum of current closure and post-closure costs and the current plugging and abandonment cost estimates" shall mean the sum of all environmental obligations including obligations under CERCLA, RCRA, UIC, TSCA, and any other environmental obligation guaranteed by such company as "financial assurance" or for which such company is otherwise financially obligated in addition to the most recent EPA-approved estimated cost of the Work to be performed in accordance with this Part II Permit.

i. If at any time during the effective period of this Part II Permit, a Permittee provides financial assurance for completion of the Work by means of a corporate guarantee or financial test pursuant to Part II Permit Condition III.P.1.e or III.P.1.f above, the Permittee shall also comply with the other relevant requirements of 40 C.F.R. § 264.143(f), 40 C.F.R. § 264.151(f), and 40 C.F.R. § 264.151(h)(1) relating to these methods, unless otherwise provided in this Part II Permit, including but not limited to, (i) initial submission of required financial reports and statements from the guarantors' chief financial officer and independent certified public

accountant; (ii) annual re-submission of such reports and statements within ninety (90) days after the close of each of the guarantors' fiscal years; and (iii) notification of the Director within ninety (90) days after the close of any of the guarantors' fiscal years in which any such guarantor no longer satisfies the financial test requirements set forth at 40 C.F.R. Part 264.143(f)(1). If the Permittee provides financial assurance by means of a corporate guarantee or financial test, EPA may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time.

j. If a Permittee seeks to establish financial assurance by using a surety bond, a letter of credit, or a corporate guarantee, the Permittee shall at the same time establish, and thereafter maintain, a standby trust fund, which meets the requirements of Part II Permit Condition III.P.1.a, into which funds from the other financial assurance instrument can be deposited, if the financial assurance provider is directed to do so by the Director, pursuant to Part II Permit Condition III.P.5.b.

k. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents by certified mail to the Director with a copy to the EPA Project Manager identified in Part II Permit Condition II.G.4.

### **III.P.2. Use of Multiple Mechanisms**

At EPA's sole discretion, the Director may allow a Permittee to combine more than one mechanism to demonstrate financial assurance for the Work to be performed in accordance with this Part II Permit. The mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in Part II Permit Condition III.P.1.a. - d.; except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current cost estimate.

### **III.P.3. Determination of Inadequacy of Financial Instrument**

If, at any time, the Director determines that a financial assurance instrument provided pursuant to this Part II Permit is inadequate, or no longer satisfies the requirements set forth or incorporated by reference in this Part II Permit, whether due to an increase in the most recent EPA-approved estimated cost of the Work or for any other reason, the Director shall so notify the Permittee in writing. If at any time, a Permittee becomes aware of information indicating that any financial assurance instrument provided pursuant to this Part II Permit is inadequate or no longer satisfies the requirements set forth or incorporated by reference in this Part II

Permit, whether due to an increase in the estimated cost of the Work or for any other reason, then the Permittee shall notify the Director in writing of such information within ten (10) days. Within thirty (30) days of receipt of notice of the Director's determination, or within thirty (30) days of the Permittee becoming aware of such information, as the case may be, the Permittee shall obtain and present to the Director for approval, a proposal for a revised or alternative form of financial assurance listed in Part II Permit Condition III.P.1 above that satisfies all requirements set forth or incorporated by reference in this Part II Permit. In seeking approval for a revised or alternative form of financial assurance, the Permittee shall follow the procedures set forth in Part II Permit Condition III.P.8 below.

A Permittee's inability or failure to establish or maintain financial assurance for completion of the Work shall in no way excuse performance of any other requirements of this Part II Permit, including, without limitation, the obligation of the Permittee to complete the Work in accordance with the terms of this Part II Permit.

#### **III.P.4. Instrument Renewal**

Any and all financial assurance instruments provided pursuant to Part II Permit Conditions III.P.1.a-e, shall be automatically renewed at the time of their expiration unless the financial assurance provider has notified both the Permittee and the EPA Project Manager identified in Part II Permit Condition II.G.4. at least twenty (20) days prior to expiration, cancellation or termination of the instrument of a decision to cancel, terminate or not renew a financial assurance instrument. Under the terms of the financial assurance instrument, the twenty (20) days will begin to run with the date of receipt of the notice by both the EPA Project Manager identified in Part II Permit Condition II.G.4. and the Permittee. Furthermore, if the Permittee has failed to provide alternate financial assurance and obtain the Director's written approval for such alternate financial assurance within ninety (90) days following receipt of such notice by both the Permittee and the EPA Project Manager, then the EPA Project Manager identified in Part II Permit Condition II.G.4 will so notify the financial assurance provider in writing prior to the expiration of the instrument, and the financial assurance provider shall immediately deposit into the standby trust fund, or a newly created trust fund approved by the Director, the remaining funds obligated under the financial assurance instrument for the performance of the Work in accordance with this Part II Permit.

#### **III.P.5. Performance Failure**

- a. In the event that the EPA determines that the Permittee (i) has ceased implementation of any portion of the Work, (ii) is deficient or late in its performance of the Work, or (iii) is implementing the Work in a

manner that may cause an endangerment to human health or the environment, the EPA may issue a written notice ("Performance Failure Notice") to both the Permittee and the financial assurance provider of the Permittee's failure to perform. The notice issued by the EPA will specify the grounds upon which such a notice was issued and will provide the Permittee with a period of ten (10) days within which to remedy the circumstances giving rise to the issuance of such notice.

b. Failure by the Permittee to remedy the relevant Performance Failure to the EPA's satisfaction before the expiration of the 10-day notice period specified in Part II Permit Condition III.P.5.a shall trigger the EPA's right to have immediate access to and benefit of the financial assurance provided pursuant to Part II Permit Condition III.P.1.a-e. The EPA may at any time thereafter direct the financial assurance provider to immediately (i) deposit into the standby trust fund, or a newly created trust fund approved by the EPA, the remaining funds obligated under the financial assurance instrument or, (ii) arrange for performance of the Work in accordance with this Part II Permit.

c. If the EPA has determined that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Permit Condition III.P.5.a have occurred, and if the EPA is nevertheless unable after reasonable efforts to secure the payment of funds or performance of the Work in accordance with this Part II Permit from the financial assurance provider pursuant to this Part II Permit, then, upon receiving written notice from the EPA, the Permittee shall within ten (10) days thereafter deposit into the standby trust fund, or a newly created trust fund approved by the EPA, in immediately available funds and without setoff, counterclaim, or condition of any kind, a cash amount equal to the estimated cost of the remaining Work to be performed in accordance with this Part II Permit as of such date, as determined by the EPA.

d. The Permittee may invoke the procedures set forth in Part II Permit Condition III.T. (Dispute Resolution) to dispute the EPA's determination that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Permit Condition III.P.5.a have occurred. Invoking the dispute resolution provisions shall not excuse, toll or suspend the obligation of the financial assurance provider, under Part II Permit Condition III.P.5.b of this section, to fund the trust fund or perform the Work. Furthermore, notwithstanding the Permittee's invocation of such dispute resolution procedures, and during the pendency of any such dispute, the EPA may in its sole discretion direct the trustee of such trust fund to make payments from the trust fund to any person that has performed the Work

in accordance with this Part II Permit until the earlier of (i) the date that the Permittee remedies, to the EPA's satisfaction, the circumstances giving rise to the EPA's issuance of the relevant Performance Failure Notice or (ii) the date that a final decision is rendered in accordance with Part II Permit Condition III.T (Dispute Resolution), that the Permittee has not failed to perform the Work in accordance with this Part II Permit.

### **III.P.6. Reduction of Amount of Financial Assurance.**

Upon receipt by the Permittee of the Director's approval to reduce the estimated cost of the Work as allowed under Part II Permit Condition III.O.5, the Permittee shall submit a written proposal to the Director to reduce the amount of the financial assurance provided under this Part II Permit so that the amount of the financial assurance is equal to the Estimated Cost of the Work remaining to be performed. The written proposal shall be subject to review and approval pursuant to Part II Permit Condition III.S. If EPA decides to accept such a proposal, the Director shall notify the Permittee of its decision in writing. After receiving the Director's written decision, the Permittee may reduce the amount of the financial assurance only in accordance with and to the extent permitted by such written decision. In the event of a dispute, the Permittee may reduce the amount of the financial assurance required hereunder only in accordance with the final EPA Dispute Decision, pursuant to Part II Permit Condition III.T, resolving such dispute. No change to the form or terms of any financial assurance provided under this Section, other than a reduction in amount, is authorized except as provided in Part II Permit Conditions III.P.8 and III.P.9.

### **III.P.7. Increase of Amount of Financial Assurance.**

Whenever the most current EPA-approved estimated cost of the Work exceeds the amount of financial assurances provided pursuant to this Part II Permit, the Permittee shall revise the instrument(s) according to the requirements in this Part II Permit Condition. The Permittee shall notify the Director in writing within fourteen (14) days of determining that the most current EPA-approved estimated cost of the Work exceeds the amount of financial assurances provided. The conditions in this Part II Permit Condition shall apply upon such determination by the Permittee or the Director and shall apply when any of the following situations result in the estimated cost of the Work exceeding the amount of financial assurances provided: adjustment for inflation; additional costs resulting from a request by the Director for additional work under Part II Permit Condition III.N; EPA selection of corrective measures or interim measures; or inadequacy of a current financial assurance instrument.

Within thirty (30) days following such determination, the Permittee shall obtain and present to the Director for review and approval pursuant to Part II Permit Condition III.S a revised form of financial assurance (and otherwise acceptable under this Part



II Permit Condition III.P) that covers the most current EPA-approved estimated cost of the Work. Within ten (10) days after the Director's approval of the revised financial assurance instrument(s), the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the financial assurance documents reviewed and approved by the Director. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents to the Director within thirty (30) days after the Director's approval of the revised financial assurance instruments.

**III.P.8. Change of Form of Financial Assurance.**

a. If the Permittee desires to change the form or terms of financial assurance, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Permit Condition III.O.4 or at any other time agreed to by the Director, submit a written proposal to the Director to change the form of financial assurance. The submission of such proposed revised or alternative form of financial assurance shall be as provided in Part II Permit Condition III.P.8.b below. The decision whether to approve a proposal submitted under this Part II Permit Condition shall be made at the Director's sole and unreviewable discretion and such decision shall not be subject to challenge by the Permittee pursuant to the dispute resolution provisions of this Part II Permit or in any other forum.

b. A written proposal for a revised or alternative form of financial assurance shall specify, at a minimum, the EPA-approved estimated cost of the Work remaining to be performed, the basis upon which such cost was calculated, and the proposed revised form of financial assurance, including all proposed instruments or other documents required in order to make the proposed financial assurance legally binding. The proposed revised or alternative form of financial assurance shall satisfy all requirements set forth or incorporated by reference in Part II Permit Condition III.P. The Director shall notify the Permittee in writing of its decision to accept or reject a revised or alternative form of financial assurance submitted pursuant to this Part II Permit Condition III.P.8. Within ten (10) days after receiving a written decision approving the proposed revised or alternative financial assurance, the Permittee shall execute and/or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the documents submitted to the Director as part of the proposal, and such financial assurance shall be fully effective. The Permittee shall submit all executed and/or otherwise



finalized instruments or other documents required in order to make the selected financial assurance legally binding to the Director within thirty (30) days of receiving a written decision approving the proposed revised or alternative financial assurance, with a copy to the EPA Project Manager identified in Part II Permit Condition II.G.4. The Director shall release, cancel or terminate the prior existing financial assurance instruments only after the Permittee has submitted all original executed and/or otherwise finalized new financial assurance instruments or other required documents to the Director.

### **III.P.9. Release of Financial Assurance.**

The Permittee may submit a written request to the Director that EPA release the Permittee from the requirement to maintain financial assurance under this Part II Permit when the Permittee demonstrates in writing and certifies to the satisfaction of the Director that all Work required under this Part II Permit, including any additional work, has been performed to the Director's satisfaction in accordance with Part II Permit Condition III. The Director shall notify both the Permittee and the provider(s) of the financial assurance in writing that the Permittee is released from all financial assurance obligations under this Part II Permit. The Permittee shall not release, cancel or terminate any financial assurance provided pursuant to this Part II Permit unless written approval for such release, cancellation or termination is received from the Director and as provided in this Part II Permit Condition III.P.9 or Part II Permit Condition III.P.8. In the event of a dispute pursuant to Part II Permit Condition III.T, the Permittee may release, cancel, or terminate the financial assurance required hereunder only in accordance with a final administrative or judicial decision resolving such dispute.

### **III.Q. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS**

The Permittee shall notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Permittee as debtor, within ten (10) days after commencement of the proceeding, in accordance with 40 CFR § 264.148. A guarantor or a corporate guarantee as specified in 40 CFR § 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR § 264.151(h)). A Permittee who fulfills the requirements of 40 CFR § 264.143 or 40 CFR § 264.147 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The Permittee must

establish other financial assurance or liability coverage within sixty (60) days after such an event.

### **III.R. QUARTERLY PROGRESS REPORTS**

The Permittee shall submit to the Director a signed Quarterly Progress Report covering all activities within the current reporting period which are conducted pursuant to the corrective action provisions of Part II Permit Condition III. Each Quarterly Progress Report shall be due thirty (30) calendar days after the last day of each calendar quarter. These Quarterly Progress Reports shall be submitted until such time that the activities pursuant to the corrective action provisions of the Part II Permit are complete as determined by the Director. The Director may change, reduce or discontinue reporting requirements if technical documentation demonstrates the change, reduction or cessation in reporting requirements will not impact operation and monitoring of remedial actions. If previously discontinued, the Director can, upon written request to Permittee, reinstitute the requirement for progress reports when new corrective action activities commence, or other activities require such reporting to the Director. The Progress Reports shall include the following information for the period being reported:

1. A description of all work completed in that period;
2. Summaries of all findings, including summaries of laboratory data;
3. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;
4. Deviations from the approved work plan(s), SAPs
5. Projected work for the next period and,
6. Any instances of noncompliance with the Part II Permit not otherwise required to be reported pursuant to Part II Permit Condition II.E.11 and II.E.16.

### **III.S. REVIEW AND APPROVAL PROCEDURES**

1. After submission of any document, plan, or report, the Director will either approve or disapprove the document, plan, or report in writing.
2. If the Director disapproves the document, plan, or report, the Director will notify the Permittee in writing of the document, plan, or report's deficiencies, indicate required revisions, and specify a due date for submittal of a revised document, plan, or report.

3. If upon resubmission, the Director disapproves the revised document, plan, or report, the Permittee will be deemed to be in violation of this Part II Permit until an approved document is in effect. In addition, the Director may modify the revised document, plan, or report and notify the Permittee of the modifications. The document, plan, or report as modified by the Director is the EPA-approved document, plan, or report, and shall become part of this Part II Permit.
4. If the Permittee takes exception to the modifications made by the Director, the Permittee shall follow the dispute resolution procedures in Part II Permit Condition III.T.
5. The Permittee shall implement all documents, plans, or reports according to the specifications and schedules contained in the EPA-approved document, plan, or report.

### **III.T. DISPUTE RESOLUTION**

1. If the Permittee disagrees, in whole or in part, with any EPA disapproval, conditional approval with comment, modification, or other decision or directive made by EPA pursuant to the corrective action provisions of the Part II Permit, the Permittee shall notify EPA in writing of its objections and bases for them within (10) calendar days of receipt of EPA's disapproval, decision, or directive. The notice shall set forth specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the requirements of this Part II Permit, the factual and legal basis for the Permittee's position, and all matters the Permittee considers necessary for EPA's determination. EPA and the Permittee shall then have an additional twenty (20) days from EPA's receipt of the Permittee's objection to attempt to resolve the dispute. If agreement is reached, the resolution will be reduced to writing by EPA and shall become part of this Part II Permit. If the parties are unable to reach complete agreement within this 20 day period, the matter will be submitted to the Director. This resolution shall become part of this Part II Permit.
2. The existence of a dispute as defined herein and EPA's consideration of such matters as placed in dispute shall not excuse, toll or suspend any obligation or deadline required pursuant to this Part II Permit, that is not the subject of dispute, during pendency of the dispute resolution process.

#### **IV. FACILITY-SPECIFIC CONDITIONS**

##### **IV.A. LAND DISPOSAL RESTRICTIONS**

1. The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of this Part II Permit, as these requirements are self-implementing provisions of HSWA.

## V. FACILITY SUBMISSION SUMMARY

**Table 1. Summary of the required facility submissions pursuant to the Part II Permit.**

SUBMISSION REQUIREMENTS	DUE DATE	PERMIT CONDITION
Permit Renewal Application	180 calendar days prior to the Part II Permit expiration	II.E.2
IMOM Plan including a Cost Estimate	Within 90 days of the effective date of the Part II Permit	III.D.5 & III.D.6
RFI Work Plan	Within 90 calendar days of receipt of a written request from the Director	III.E
RFI Report	According to the schedule contained in the approved RFI Work Plan and/or any RFI Work Plan addenda	III.G
CMS Work Plan	Within sixty (60) calendar days of notification from Director	III.H
CMS Report	According to the schedule contained in the approved CMS Work Plan	III.J
CMI Work Plan	Within sixty (60) days of approval by the Director of a final remedy/corrective measure	III.L.1
Corrective Measure Construction Complete Report	In accordance with the approved CMI Work Plan schedule	III.L.3
CMI Annual Report	No later than March 1 of each year of the prior year's effectiveness and performance of the corrective measures	III.L.4
CMI 5-year Review	Within sixty (60) days of the 5-year anniversary of EPA's approval of the CMI Report	III.L.5
Corrective Measure Completion Report	Within ninety (90) calendar days of the completion of all remedial activities	III.L.6
Cost Estimate for Corrective Action Work	Within thirty (30) calendar days after the Director has approved a new work plan. [or if work is already underway	III.O
Quarterly Progress Reports	thirty (30) calendar days after the last day of each calendar quarter	III.R

SUBMISSION REQUIREMENTS	DUE DATE	PERMIT CONDITION
Financial Assurance for Completing the Work(if using an instrument other than described in III.P.1.e., or III.P.1.f.)	Within thirty (30) days after the Director has approved the initial and any subsequent Estimated Cost of Work	III.P.
Financial Assurance for Completing the Work, other than the Final Corrective Measures (if using an instrument described in III.P.1.e., or III.P.1.f.)	March 31 each year, for initially providing financial assurance, and each financial assurance annual update	III.P.
Financial Assurance for Final Corrective Measures (if using an instrument described in III.P.1.e., or III.P.1.f.)	Ninety (90) days after Notification that EPA has selected Final Corrective Measures	III.P.
Human Health Risk Assessment (HHRA) Work Plan	Within 90 days of the effective date of the Part II Permit	III.H

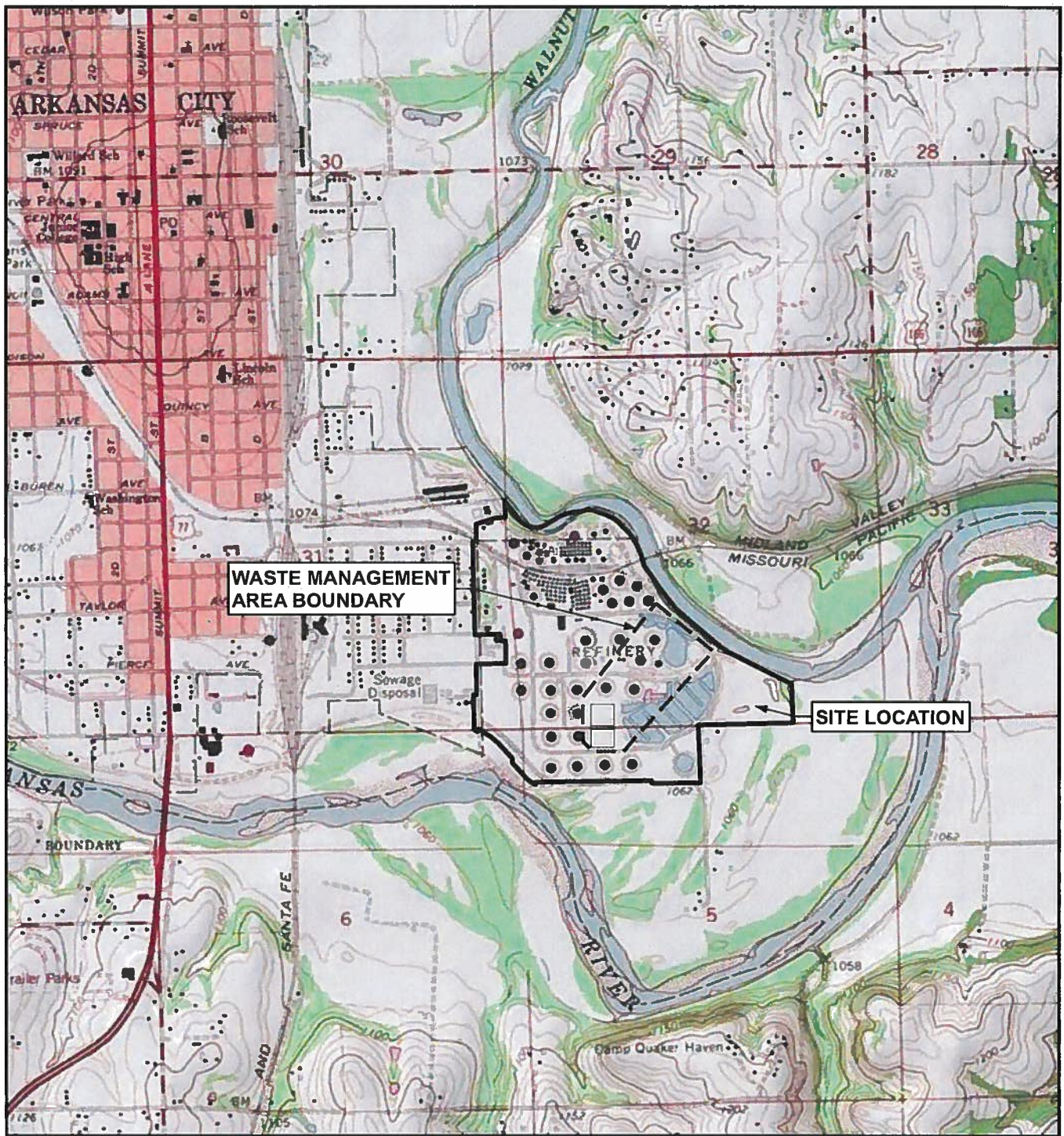


**Table 2. Summary of the possible reporting requirements pursuant to the Part II Permit.**

CONDITIONAL REQUIREMENTS	DUE DATE	PART II PERMIT CONDITION
Part II Permit Appeal	Within thirty (30) days calendar days after a RCRA final Part II Permit decision has been issued	II.C.6
Reporting Planned Changes	thirty (30) calendar days advance notice of any planned alterations or additions	II.E.10
Reporting Anticipated Noncompliance	thirty (20) calendar days advance notice prior to any planned changes	II.E.11
Provisions for Part II Permit Transfer	90 calendar days prior to date of the Part II Permit transfer	II.E.14
Written Notice of Noncompliance	Within 5 calendar days of Permittee's awareness of the circumstance	II.E.15.c
Written Report of Other Noncompliance	Report to EPA in writing all other instances of RCRA noncompliance within thirty (30) days of occurrence	II.E.16
Written Notification of Newly-Identified SWMUs, AOCs & Releases	No later than 15 calendar days after discovery	III.C.1
SWMU/AOC/Release Assessment Work Plan	sixty (60) calendar days after receipt of notice	III.C.3
SWMU/AOC/Release Assessment Report	According to the schedule in the approved Assessment Work Plan	III.C.4
Interim Measures & Stabilization Notification	Within 24 hours of discovery	III.D.2
Written Notification that Stabilization/Interim Measure is Not Effective	10 calendar days after determination that Stabilization/Interim Measure is not effective	III.D.8
Written Notification that Groundwater Monitoring Program is Inadequate	30 calendar days after determination that the Groundwater Monitoring Program is Inadequate	III.D.9
Adjustment of the estimated cost of the work for inflation	Annually	III.O.4



R 4 E



# EXPLANATION

SITE BOUNDARIES ARE APPROXIMATE.  
 SOURCE: USDA-NRCS-NCGC DIGITAL RASTER GRAPHIC (DRG) MrSID MOSAIC.  
 CONTOUR INTERVAL: 10 FEET.  
 NATIONAL GEODETIC VERTICAL DATUM OF 1929.  
 NORTH AMERICAN HORIZONTAL DATUM OF 1983 (NAD83).  
 ARKANSAS CITY, KANSAS. N3700-W9700/7.5. 1965; PHOTOREVISED 1979.  
 AMS 6558 II SE-SERIES V878

SCALE 1: 24,000



DATE	DESIGN BY	DRAWN BY	REVIEWED BY
5/14/2012	RPH	GEE	JFM

TITLE:

## SITE LOCATION MAP

Provided courtesy of MRP Properties Company, LLC

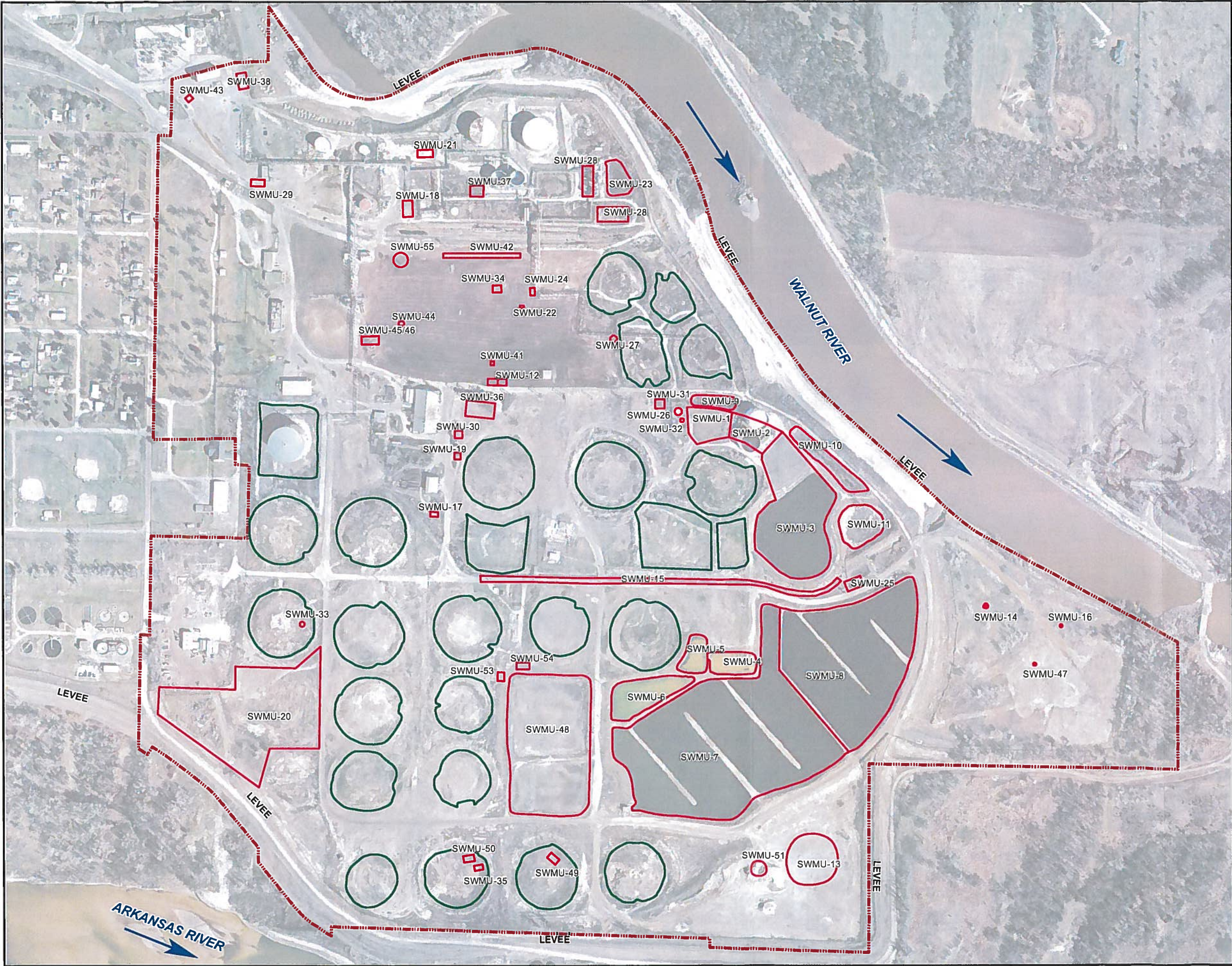
PROJECT:

**MRP PROPERTIES COMPANY, LLC**  
**ARKANSAS CITY, KANSAS**



**Attachment 1**  
**to Permit**





EXPLANATION

- SWMU-52 LOCATIONS
- SWMU LOCATIONS
- SITE PROPERTY BOUNDARY (APPROXIMATE)



SCALE IN FEET



AERIAL PHOTO: MARCH 12, 2005	DATE	DESIGN BY	DRAWN BY	REVIEWED BY
	6/14/2012	RPH	RPH	JFM

TITLE:

SWMU LOCATION MAP

Provided courtesy of MRP Properties Company, LLC  
PROJECT: **MRP PROPERTIES COMPANY, LLC  
ARKANSAS CITY, KANSAS**



PLATE No.:  
**Attachment 2  
to Permit**